



CHAPTER xcvi.

An Act to authorise the Corporation of Chester to construct street works and to provide and work omnibuses to confer further powers upon them with regard to their electricity and markets undertakings the regulation of the river Dee and the health local government and improvement of the city and for other purposes.

A.D. 1929.

[10th May 1929.]

WHEREAS the city of Chester and county of the same city (in this Act called "the city") is a municipal borough under the government of the mayor aldermen and citizens of the city (in this Act called "the Corporation") and is a county borough under the Local Government Acts 1888 and 1894 and the Corporation acting by the council are the urban sanitary authority for the city :

And whereas it is expedient to empower the Corporation to acquire lands for and to construct the street works mentioned in this Act and to confer further powers upon the Corporation with regard to the acquisition retention and disposal of lands :

And whereas the Corporation are the owners of and are working a system of tramways within the city and certain powers with regard to the running of omnibuses were conferred upon them by the Chester Corporation

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. — Act 1901 and it is expedient to enlarge the powers of the Corporation with reference to the running of omnibuses within and beyond the city as is provided in this Act and to make provision for the substitution of omnibuses for the tramway services of the Corporation :

And whereas the Corporation are the owners of the undertaking whereby the city and an extensive area in the neighbourhood of the city are supplied with electricity and it is expedient to make further provision with regard to the electricity undertaking of the Corporation as is in this Act provided :

And whereas the Corporation are the owners of the markets undertaking in the city and powers with regard to that undertaking were conferred upon the Corporation by the Chester Improvement Act 1845 and the Chester Improvement Act 1884 :

And whereas it is expedient to enlarge the powers conferred upon the Corporation by the said Acts of 1845 and 1884 with reference to the removal and alteration of market halls and market places and to make provision for increasing the tolls and charges which may be taken in connection with the markets of the Corporation and that further powers should be conferred upon the Corporation with regard to the markets undertaking and with regard to public weighing machines in the City :

And whereas it is expedient to confer further powers upon the Corporation with regard to their parks and recreation grounds and the provision of entertainments in public buildings :

And whereas by an indenture dated the fourth day of November eighteen hundred and sixty-seven the lands in the city which are known as the Grosvenor Park were granted and conveyed to the Corporation by the Most Honourable Richard Marquess of Westminster subject to the covenants and conditions in the said indenture contained and it is expedient to empower the Corporation notwithstanding anything in the said indenture or elsewhere to the contrary to exercise in regard to the said park any of the powers conferred upon them by the Public Health Acts in regard to parks and pleasure grounds :

A.D. 1929.

And whereas by the Chester Improvement Act 1884 and the Chester Order 1922 certain powers were conferred upon the Corporation in regard to the management of that part of the river Dee which is within the city and which extends from the city to the Iron Bridge at Aldford and it is expedient to confer further powers upon the Corporation with regard to the management of such portion of the said river as aforesaid and the regulation of traffic thereon :

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the city and that the powers of the Corporation in regard thereto should be enlarged as is provided in this Act :

And whereas it is expedient to authorise the making of town planning schemes as regards land which is wholly or partly developed in the city :

And whereas it is expedient to provide for the establishment of a consolidated loans fund by the Corporation and to make further provision with regard to the finances of the Corporation and the application of the revenues of their several undertakings :

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

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

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

For the construction of the street works authorised by Part II of this Act	£ 2,636
For the purchase of land - - -	2,750
For the provision of omnibuses - -	32,050
For the adaptation of buildings for the purposes of the omnibus undertaking of the Corporation - -	836
For the re-construction of roads from which tramways are to be removed and discontinued in the city - -	9,477

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929.
—

And whereas the several works included in such estimates respectively 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 a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been duly deposited with the clerk of the peace for the county of Chester and the clerk of the peace for the county of the city of Chester and are in this Act 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 Chester Corporation 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.—Omnibuses and tramways.

Part V.—Electricity.

Part VI.—Markets weighing machines &c.

Part VII.—Public buildings parks pleasure grounds and baths.

Part VIII.—River Dee.

A.D. 1929.

by or contiguous to the works authorised by this Part of this Act or either of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with either of such works;

- (b) Execute any works for the protection of any adjoining land or buildings;
- (c) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and
- (d) Raise lower alter and interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not raise lower alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

7. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to
alter steps
areas pipes
&c.

8. In the construction of the street works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown

Limits of
deviation.

A.D. 1929. — 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. **9.**—(1) The Corporation during the execution of the powers of this Part of this Act may break up and also temporarily stop up divert and interfere with any street for the purpose of executing such powers and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

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

Application of road materials excavated in construction of works. **10.** Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Land laid into streets to form part thereof. **11.** All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

For protection of Chester Waterworks Company and Chester United Gas Company. **12.** Notwithstanding anything contained in this Part of this Act the following provisions for the protection of the Chester Waterworks Company and the Chester United Gas Company (each of which is in this section called "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) In this section "apparatus" means and includes (in the case of the said waterworks company) all or any mains pipes syphons tubes fittings or other apparatus belonging to that company and (in the case of the said gas company) all or any mains pipes fittings or other apparatus belonging to that company and "work" means any work authorised by this Part of this Act:

Sunday or specially for religious instruction whether on a Sunday or not; A.D. 1929.

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

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

“ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847;

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

“ The Minister ” means the Minister of Health;

“ 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 Corporation;

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

A.D. 1929.

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

PART II.

STREET WORKS.

Power to
construct
street
works.

5.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works hereinafter mentioned together with all necessary or proper works and conveniences connected therewith or incident thereto and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of such street works or for the purpose of providing space for the erection of buildings adjoining or near thereto or for other the purposes of Part III (Lands) or of this Part of this Act.

(2) The street works hereinbefore referred to and authorised by this Part of this Act will be situate in the city and are—

Street Work No. 1 A widening and improvement of Garden Lane on the south-westerly side thereof;

Street Work No. 2 A widening and improvement of Garden Lane on the north-easterly side thereof.

Power to
make
subsidiary
works.

6.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Part of this Act may execute or do any of the following works or things (namely):—

(a) Make junctions and communications with any existing streets intersected or interfered with

- Part IX.—Town planning.
Part X.—Streets buildings and drains.
Part XI.—Infectious disease and sanitary matters.
Part XII.—Common lodging-houses.
Part XIII.—Police and hackney carriages.
Part XIV.—Sale of coke.
Part XV.—Finance.
Part XVI.—Miscellaneous.

A.D. 1929.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exception and modification (namely):—

Incorporation of Acts.

- (a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;
(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) 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 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

(2) In this Act unless the subject or context otherwise requires—

- “ The city ” means the city and county of the city and county borough of Chester;
“ The Corporation ” means the mayor aldermen and citizens of the city;
“ The council ” means the council of the city;
“ The mayor ” “ the town clerk ” “ the treasurer ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the mayor the town clerk the treasurer the

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929.

- surveyor the medical officer of health and any sanitary inspector of the city and respectively include any person duly authorised to discharge temporarily the duties of those offices;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the city;
- “ The Act of 1845 ” “ the Act of 1884 ” and “ the Act of 1901 ” mean respectively the Chester Improvement Act 1845 the Chester Improvement Act 1884 and the Chester Corporation Act 1901;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;
- “ 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;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ Omnibus ” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;
- “ The electricity limits ” means the limits for the time being of the Corporation for the supply of electricity;
- “ Weighing machine ” means a weighing machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the loading thereof;
- “ 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 city;
- “ Sunday school ” means any school in which children are assembled for instruction on a

- (7) If any difference shall arise with respect to any matter under this section between the Corporation 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.

PART III.

LANDS.

13. Subject to the provisions of this Act the Corporation may (in so far as they are not already possessed of the same) enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for and in connection with the construction of the street works authorised by Part II (Street works) of this Act and for the provision of space for the erection of buildings adjoining or near to such works and for other the purposes of the said Part II and this Part of this Act. Power to take lands.

14. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provision shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say) :— For protection of London Midland and Scottish Railway Company.

The Corporation shall not under the powers of this Act acquire by compulsion any lands of the company but the Corporation may purchase and acquire and the company shall if required by the Corporation so to do sell and grant in perpetuity to the Corporation accordingly such easements or rights of using so much of the lands of the company as may be required for the construction and maintenance of Street Work No. 1 and Street Work No. 2 by this Act authorised and the Corporation shall pay to the company for any easements and rights which they may so require the company to sell and

A.D. 1929.
—

grant such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement.

Period for compulsory purchase of lands.

15. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the thirty-first day of December nineteen hundred and twenty-nine.

Compensation in case of recently acquired interest.

16. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the nineteenth day of November nineteen hundred and twenty-eight if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to enter upon property for survey and valuation.

17. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands 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 and buildings.

Benefits to be set off against compensation.

18. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act for the purposes of Part II (Street works) thereof 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

A.D. 1929.

- (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 any apparatus the Corporation shall give to the company not less than fourteen days' notice in writing of their intention to execute such work and shall at the same time deliver to the company for their reasonable approval a plan and section of such work and such work shall not be executed except in accordance with such plan and section as so approved or as settled 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 Corporation 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 interfere with or endanger any such apparatus or interfere with access thereto or impede the supply of water or gas the company may within fourteen days from the receipt by them of the notice referred to in subsection (2) of this section give notice to the Corporation requiring the alteration of the position of such apparatus in such manner and to such substituted position 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 be carried out by the company but at the reasonable expense of the Corporation and to the reasonable satisfaction of the Corporation and under the superintendence of the surveyor if he think fit to attend after receiving not less than three days' notice for that purpose which notice the company are hereby required to give :
- (4) In executing any such work the company shall not be required to remove or displace any apparatus until good and sufficient substituted

A.D. 1929.

apparatus and other works necessary or proper for continuing the supply of water or gas as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use Provided that the company shall pay to the Corporation such sum as shall be determined by arbitration to be the then value of the apparatus so removed or displaced and handed over by the Corporation to the company :

- (5) Whenever by reason of the exercise by the Corporation of any powers under this Part of this Act any apparatus (other than apparatus for which new apparatus has been substituted under the provisions of this section) shall be rendered derelict useless or unnecessary the Corporation shall forthwith pay to the company such a sum as may be agreed between the Corporation and the company or as failing such agreement may be determined by arbitration as hereinafter provided to be the then value of such apparatus as apparatus and such apparatus shall thereupon become the property of the Corporation and in addition to such payment the Corporation 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 Corporation of the powers of this Act :
- (6) The Corporation shall make good all damage done by them to any apparatus in the exercise of any powers of this Part of this Act 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 or gas :

lands of such person which are continuous with such adjoining lands arising out of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

A.D. 1929.

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

Owners
may be
required
to sell
parts only
of certain
premises.

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term " the owner " and the said properties are hereinafter referred to as " the scheduled properties " ;
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise ;
- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions

A.D. 1929.

required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;

- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

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

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

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

20.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of the Chester Order 1926 or this Act and not required for the purposes for which they were acquired and (with the consent of the Minister) any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and lay out and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands and may sell lease exchange or otherwise dispose of any such houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

Power to
develop
lands &c.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in

A.D. 1929.

under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

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

(4) The Corporation 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 the said Order of 1926 or this Act or which may be in the neighbourhood of those lands or buildings 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 Corporation may pay or receive money for equality of exchange.

(5) The Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(6) Nothing in this section—

(a) shall authorise the Corporation to create or permit any nuisance on any such lands as are referred to therein;

(b) shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed;

(c) shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations

as previous to such works being commenced have been approved (i) by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of that Board and (ii) by the Dee Conservancy Board in writing under the hand of the clerk to that Board.

A.D. 1929.

—

21.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under the provisions of the Chester Order 1926 or this Act and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

Power to Corporation to advance money for erection of buildings.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being prescribed by the Minister for the purposes of loans under the Small Dwellings Acquisition Acts 1899 to 1923 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined

A.D. 1929. — the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipts for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) The Corporation shall have power to enter the building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

Agreements
with owners
of property
&c.

22. Subject to the provisions of this Act the Corporation may in connection with the powers granted to them by Part II of this Act or by the Public Health Acts so far as such last-mentioned powers relate to lands which are referred to in the Chester Order 1926 enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the works authorised by Part II (Street works) of this Act or the lands referred to in the said Order with respect to the sale or purchase by the Corporation of any lands or property (including

any street or thoroughfare or any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the said works) or any rights or easements in on or affecting the same for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes of this Act or the purposes referred to in the preamble to the Chester Order 1926.

A.D. 1929.

23.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such 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 city (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.

Provided that the Corporation 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 be necessary or has been obtained :

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

A.D. 1929.

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

Proceeds of
sale of
surplus
lands.

24.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act or under the authority of the Chester Order 1926 as amended by this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister.

(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 this Act for the purpose of such purchase;

(b) the borrowing powers conferred by 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.

(3) Any capital moneys received by the Corporation under the section of this Act of which the marginal note is “ Retention and disposal of lands ” on the re-sale or

exchange of or by leasing any lands acquired under any local Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

A.D. 1929.

25.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the power of any Act or Provisional Order 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.

Powers with reference to leases of surplus lands.

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

(3) Provided that any such lease granted by the Corporation shall be subject to similar conditions and limitations as are prescribed in the section of this Act of which the marginal note is "Retention and disposal of lands" with respect to leases granted thereunder.

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

Dwelling-houses for persons in Corporation's employment.

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

27.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any

Further powers for acquisition of land.

A.D. 1929.

lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city 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 money 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 Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation 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 Corporation shall apply the same either—

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

(b) in such other manner as may be approved by the Minister.

28. The period limited by the operation of section 123 of the Lands Clauses Consolidation Act 1845 for the compulsory purchase of the lands referred to in the schedule to the Chester Order 1926 is hereby extended until the thirty-first day of December nineteen hundred and thirty-one but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

Extension
of time
for com-
pulsory
purchase
of lands.

PART IV.

A.D. 1929.

OMNIBUSES AND TRAMWAYS.

29. For the purposes of this Part of this Act the expression "road authority" means (except where otherwise expressly provided) with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road.

Definition
of road
authority.

30.—(1) Subject to the provisions of this Act the Corporation may in addition and without prejudice to the exercise of their powers under section 53 (Corporation may run omnibuses &c.) of the Act of 1901 provide and maintain (but shall not manufacture) and may run omnibuses within the city and with the consent of the Minister of Transport and the local authority of the district along any route without the city within a radius not exceeding three and a half miles from the town hall of the city. Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

Power to
run omni-
buses.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference

A.D. 1929. with telegraphic communication by means of any telegraphic line of the Postmaster-General.

(5) The Corporation may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Corporation in connection therewith.

(6) The Corporation shall perform in respect of the omnibuses provided under section 53 (Corporation may run omnibuses &c.) of the Act of 1901 and this section such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(7) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

(8) Except with the authority of Parliament the powers of this section shall not be exercised by any company body or person other than the Corporation.

Adaptation
of roads.

31.—(1) (a) Before the Corporation commence to run omnibuses over any road or part of a road without the city it shall be determined by agreement between the Corporation and the road authority (where it is not the Corporation) or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed

or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question. A.D. 1929.

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

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

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

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

A.D. 1929. — authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge the district council shall be deemed to be the road authority.

(2) Any payment made to a road authority under this section in respect of any county road vested in them under section 32 of the Local Government Act 1929 shall be credited to the county council in ascertaining the amount to be contributed by them under section 33 of the said Act.

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

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

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

(6) For the purposes of this section the expression "road authority" shall not include a railway company.

For protection
of railway
companies.

32. Nothing in this Act shall impose any obligation on any railway company to strengthen adapt alter or reconstruct any bridge or road belonging to or maintainable by or at the expense of a railway company or enlarge any existing obligation.

As to cesser
of powers.

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

road or part of a road is situate upon such terms as the said Minister may determine. A.D. 1929.

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

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

Provision in event of certain powers not being exercised within prescribed period.

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

35. As from the date upon which and so long as a service of omnibuses is provided by the Corporation in lieu of a tramway service upon the route of any of the tramways of the Corporation which is within the city the revenue of the tramway undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads.

As to liability for repair of roads.

A.D. 1929. — along the route or routes upon which such service of omnibuses is provided under any statutory enactment relating to that undertaking but nothing in this subsection shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

As to
abandon-
ment of
tramways.

36.—(1) The tramways of the Corporation on any omnibus route of the Corporation may be abandoned or discontinued either temporarily or permanently. Provided that no such tramway shall be so abandoned or discontinued by the Corporation until they shall have provided omnibuses on the route of such tramway or on the portion thereof so proposed to be abandoned or discontinued or along such other route (in lieu of the route of such tramway or portion thereof as aforesaid) as shall be approved by the Minister of Transport.

(2) The Corporation may take up and remove and use or dispose of the rails of any such tramway or part of a tramway and the posts poles wires and other works and apparatus provided in connection therewith and in the case of any road outside the city shall make good the surface thereof to the reasonable satisfaction of the road authority.

(3) Nothing in this section shall relieve the Corporation of any liability imposed upon them by section 41 (Tramways to be removed in certain cases) of the Tramways Act 1870 in relation to any tramway in the event of the Corporation discontinuing the working of such tramway otherwise than in accordance with the provisions of this Act.

Restricting
running of
omnibuses
in com-
petition.

37.—(1) If and so long as the Corporation provide a service of tramcars or omnibuses or a service of tramcars and omnibuses along any existing tramway route of the Corporation or part thereof (such route or part of a route being in this section called a "protected route") and such service adequately meets the requirements of such protected route it shall not be lawful except as hereinafter in this section provided or except in pursuance of any agreement entered into by the Corporation under the provisions of the section of this Act of which the marginal note is "Working and other agreements" for any company or for any other local authority body or

person to run omnibuses along such protected route or along any other route in competition with such service or services of the Corporation along the protected route.

A.D. 1929.
—

(2) Any failure on the part of the Corporation to afford an adequate service along any protected route which is due to strikes unforeseen accidents or circumstances beyond the control of the Corporation shall not entitle any such company authority body or person to run omnibuses along such protected route or along any other route in competition therewith.

(3) The Corporation as licensing authority for the city may in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply for hire. Provided that if any question arises between the Corporation and any company authority body or person as to whether any route in respect of which a licence may be granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided. Provided further that the right of the applicant for the licence of appeal to the Minister of Transport from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the said Minister in making any order under that section shall have regard to the provisions of this section. Provided also that omnibuses belonging to the same proprietor may be transferred by him from one route to another route on which he is for the time being licensed to run omnibuses so long as he does not at one and the same time allow a greater number of his omnibuses to ply for hire on any protected route or any route in competition therewith than the number of licences which he holds for such route.

(4) Any question at any time arising as to whether or not the Corporation are providing an adequate service along any protected route or whether there is or would be any such competition as aforesaid shall be determined by the Minister of Transport on the application of any interested party and the said Minister shall have power to make such order thereon as he thinks fit. Any order made by the said Minister under this section shall be final

A.D. 1929. and binding on the parties affected thereby and not
— subject to appeal to any court and shall on the applica-
tion of the said Minister or the Corporation or the
applicant for a licence be enforceable by writ of
mandamus.

(5) Nothing in this section shall be deemed—

(a) to restrict the running of any omnibus by any such company authority body or person along any protected route or any other route in competition therewith if such omnibus serves a district or districts beyond the city and no passenger conveyed by such omnibus is both taken up and set down on any one journey on any protected route or any route in competition therewith; or

(b) to entitle the Corporation to refuse the renewal of a licence to ply for hire with an omnibus along a protected route or a particular part of a protected route or a route in competition with a protected route if the licence was in force on the thirtieth day of November nineteen hundred and twenty-eight and was applicable to and used for a service of omnibuses which service was on that date being operated on and has since that date been regularly in operation on any protected route (or part thereof) or any route in competition therewith or to entitle the Corporation to refuse the renewal of a licence to ply for hire with an omnibus substituted by the licensee for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last-mentioned omnibus or substituted omnibus along any protected route or part of a protected route or other route in competition therewith Provided that no omnibus proprietor (other than the Corporation) shall be entitled to operate along any protected route or any part thereof or along any route in competition therewith during any period of the year a greater number of omnibuses than were required to operate the services which were

worked along that route or part of a route by that omnibus proprietor during the corresponding period of the year preceding the said thirtieth day of November nineteen hundred and twenty-eight and have been regularly in operation along that route during the same period of each year; or

A.D. 1929.

- (c) to prevent the grant or renewal by the Corporation of any licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any protected route or any route in competition therewith.

38. The Corporation may in the city provide any lands or depôts or other buildings for the accommodation or standing of omnibuses and may enter into and carry into effect agreements with any local authority company body or person running omnibuses for the use by such local authority company body or person of any lands depôts or buildings so provided.

Power to Corporation to provide depôts &c. for omnibuses.

39.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses of the Corporation fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport. Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of the district in which such omnibuses are run. Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Fares and charges &c.

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

(3) The words "and may demand and take tolls" and fares for the use of such omnibuses cars and

A.D. 1929. — “carriages” in section 53 of the Act of 1901 are hereby repealed.

Working
and other
agreements.

40. Subject to the provisions of this Act—

(1) The Corporation and any local authority empowered to run omnibuses in any portion of an urban or rural district which portion is within a radius of three and a half miles from the town hall in the city or empowered to run omnibuses in any parish part of which is included within that radius may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised :

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the city or on any route over which the Corporation are for the time being empowered to run omnibuses :

(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say) :—

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services ;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section

of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid :

- (4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the city otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the said Minister may if he thinks fit by order dispense with such consent :
- (5) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section under which omnibuses of the Corporation shall proceed beyond a radius of eleven miles from the town hall of the city.

41. The Corporation may run through cars along any of the routes of the tramways of the Corporation or any specified portion thereof and through omnibuses along any route on which the Corporation are for the time being authorised to run omnibuses and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus Provided that during the running of

Through
cars and
omnibuses.

A.D. 1929. — such through cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

Corporation may appoint stopping and starting places.

42. The Corporation may appoint the stations and places from which cars on their tramways and their omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may fix the time during which such cars and omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the city) be subject to the consent of the road authority of the district within which that station or place is appointed which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

Power to reserve cars for special purposes.

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

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

(3) The restrictions contained in this or any other Act or Order of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the tramways of the Corporation or omnibuses run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Shelters and waiting-rooms.

44. The Corporation may erect and maintain sheds shelters or waiting-rooms for the accommodation of passengers on any omnibus routes established under the

authority of this Act and may use for that purpose portions of the public streets or roads due regard being given to the convenience of the general traffic along any such street or road but shall not use for the purpose any part of the highway without the consent of the local and road authorities.

A.D. 1929.

45. The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their tramway undertaking (including the omnibus undertaking authorised by this Act) and at suitable places on the routes of the tramways of the Corporation or of any of their omnibus routes and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Cloak-rooms &c.

46. If any shelter waiting-room cloak-room or room or shed erected by the Corporation under the powers of the sections of this Act of which the marginal notes are "Shelters and waiting-rooms" and "Cloak-rooms &c." respectively (all of which are in this section included in the expression "structure") are situate over any mains pipes or apparatus of the Chester Waterworks Company or of the Chester United Gas Company (each of which is in this section referred to as "the company") laid or placed before the erection of such structure and the company at any time after such erection give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall either remove temporarily such structure or so much thereof as shall require to be so removed in order to afford such access or (if the Corporation determine not to remove such structure or part thereof) bear any reasonable additional expense to which the Company may be put by reason of the existence of such structure in obtaining access to such apparatus and any question as to whether such additional expense is reasonable shall be referred to and settled by an arbitrator to be appointed by agreement or failing agreement by the President of the Institution of Civil Engineers on the application of either party (after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration

For further protection of Chester Waterworks Company and Chester United Gas Company.

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. — Act 1889 shall apply to any such settlement by arbitration.

In case of emergency the Company may take all necessary steps to obtain access to any apparatus which may be under such structure and to repair or remedy any defects therein without previous notice to the Corporation but in any such case notice to the Corporation shall be given as soon as practicable.

Lost
property.

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

Attach-
ment of
signs
indicating
stopping
places to
lamp-posts
&c.

48.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the tramways or omnibuses of the Corporation signs or directions indicating the position of stopping places for tramcars and omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

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

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

49. The Corporation shall not without the consent of the railway company concerned exercise the powers contained in the sections of this Act of which the marginal notes are " Corporation may appoint stopping and starting places " " Shelters and waiting-rooms " " Cloak-rooms &c." " Attachment of signs indicating stopping places to lamp-posts &c." upon any bridge or road belonging to or maintained by any railway company or in respect of any erection belonging to any railway company or so as to interfere with or obstruct the convenient access to or exit from any railway station depôt or property.

A.D. 1929.
—
For further protection of railway companies.

50.—(1) The following provisions of the Act of 1901 shall so far as they are applicable extend and apply to the exercise of the powers of this Part of this Act as if they were with any necessary modifications re-enacted in this Act (that is to say) :—

Incorporation of previous enactments.

Section 42 (Payment of tolls);

Section 43 (Passengers' luggage);

Section 45 (Cheap fares for labouring classes);

Section 46 (Periodical revision of rates and charges);

Section 51 (Penalty for malicious damage):

Provided that the said section 45 shall only extend and apply to and in respect of the running of omnibuses by the Corporation along the routes of the existing tramways of the Corporation and the said section 46 shall only extend and apply in respect of the fares referred to in the said section 45 and in so far as those fares are applicable to the running of omnibuses by the Corporation under this Part of this Act.

(2) The said sections 42 43 and 51 of the Act of 1901 shall also so far as applicable extend and apply with any necessary modifications to the exercise of the powers of section 53 (Corporation may run omnibuses &c.) of the Act of 1901.

51. Subject to the provisions of this Act the omnibus undertaking authorised by the Act of 1901 and this Act shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway

Omnibuses to form part of tramway undertaking.

A.D. 1929. — undertaking the receipts and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and in such accounts capital shall be distinguished from revenue.

Accounts to be furnished to Minister of Transport. 52. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

As to byelaws &c. under this Part of Act. 53. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

PART V.

ELECTRICITY.

As to electricity limits of Corporation. 54. Where under the provisions of any Act or Order relating to the Corporation or their electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall be deemed to extend to the centre of the road.

Agreements for supply of electricity. 55. Notwithstanding anything in any Act or Order relating to the Corporation or their electricity undertaking the Corporation on the one hand and any authority company body or person to whom the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Supply to premises partly without electricity limits. 56. The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside

the electricity limits in the same manner as if such premises were wholly within such limits. A.D. 1929.

57.—(1) Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may (with the consent of the road authority) in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking of the Corporation and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient. Provided that the consent of the road authority shall not be unreasonably withheld and any question which may arise as to whether or not such consent has been unreasonably withheld shall be referred to and settled by an arbitrator to be agreed upon between the parties to the dispute and failing such agreement to be appointed on the application of either party after notice to the other by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory amendment thereof shall apply to the reference. Provided also that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

Power to construct electrical sub-stations under streets.

Provided also that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the

A.D. 1929. — railway company concerned but such consent shall not be unreasonably withheld or (b) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

(2) Nothing in this section shall authorise the Corporation to construct any sub-station transforming station or other work in any street within the limits of the Chester Waterworks Company for the supply of water or within the limits of the Chester United Gas Company for the supply of gas in such manner as not to leave sufficient space in the said street for the laying down by those companies respectively for the purposes of their respective undertakings of any necessary mains pipes or other apparatus.

Power to lay electric mains in private streets.

58. The Corporation may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any street laid out or made and whether dedicated to the public use or not supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section :

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Further powers as to entry upon premises.

59.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time

A.D. 1929.

being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking of the Corporation or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

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

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

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

As to
maximum
power
which
may be
demanded.

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929.

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

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

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

Use for
lighting
purposes of
electricity
supplied
for power.

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

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

purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid. A.D. 1929.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

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

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

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

65. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them Power to recover cost of cutting off supplies.

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

Notice to
discontinue
supply of
electricity.

66.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall be sufficient if it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the electricity undertaking of the Corporation.

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

Charges for
special
readings of
electricity
meters.

67. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings. Provided that such charges shall not exceed the sum of one shilling for each reading.

Provisions
as to supply
of electricity
by agree-
ment.

68.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

(a) the Corporation may if they think fit discontinue to supply electricity to such consumer;

(b) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may be for the time being charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

(c) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—

(i) they are satisfied that any electricity supplied to such consumer will be consumed

in accordance with the terms of such agreement; and A.D. 1929.

(ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (b):

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

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

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

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

Byelaws
as to
apparatus
and fittings.

A.D. 1929.

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

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depôt adjoining the railway or railway sidings of any railway company.

Transfer of
under-
takings to
Corporation.

70.—(1) The Corporation may by agreement (but not otherwise) acquire from any local authority company or person who is or shall be authorised by Provisional Order confirmed by Parliament or by Special Order to supply electricity in an area adjoining the limits within which the Corporation are at the date of the passing of this Act authorised to supply electricity (in this section called “authorised undertakers”) the undertaking authorised by such Order or any part or parts thereof and the powers rights authorities and privileges of the authorised undertakers in relation to the undertaking or part or parts thereof so acquired and the authorised undertakers may with the approval of the Electricity Commissioners by deed to be approved by the Commissioners transfer their undertaking or part or parts thereof together with such powers rights authorities and privileges as aforesaid to the Corporation subject to such exceptions and modifications (if any) and upon such terms as may be specified in the deed.

(2) In the event of the Corporation acquiring the undertaking of any authorised undertakers or any part or parts thereof under this section the Corporation shall subject to such exceptions or modifications (if any) as aforesaid be deemed to be the undertakers for all the purposes of the Order in relation to the undertaking or part or parts thereof so acquired.

Contracts
for supply
of electricity
in bulk.

71.—(1) The Corporation and any local authority company or person authorised by Act of Parliament or Order confirmed by Parliament or by a Special Order under the Electricity (Supply) Act 1919 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Corporation beyond the electricity limits to any such local authority company or person or by any such local authority company or person to the Corporation of electricity in bulk upon and subject

to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract to lay any mains or electric lines or to interfere with any street outside the limits of such party for the supply of electricity.

A.D. 1929.

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

72. Nothing in the sections of this Act of which the marginal notes are "Transfer of undertakings to Corporation" and "Contracts for supply of electricity in bulk" shall prejudice or affect any right or interest of any officer or servant of any authorised undertakers under the provisions of section 15 of the Electricity (Supply) Act 1926 and the enactments and schedule therein referred to and the said provisions shall extend and apply to any officer or servant of any authorised undertakers affected by the acquisition of or closing (permanent or temporary) or alteration in the working or use of a generating station or by the acquisition of a main transmission line or any part thereof under or in consequence of any contract or agreement entered into by the Corporation under the provisions of this Act with any local authority company or person and the provisions of the said section 15 and the enactments and schedule therein referred to shall apply and have effect as if such closing or acquisition were a closing or acquisition under or in consequence of the said Act of 1926 and such alteration were a restriction imposed by or under a scheme under that Act.

Compensation for deprivation of employment.

73.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

Receipts and expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Corporation and shall be applicable accordingly.

A.D. 1929.

PART VI.

MARKETS WEIGHING MACHINES &c.

Increasing
market
tolls &c.

74. In place of all or any of the stallages and tolls specified in the Fifth Schedule to the Act of 1884 the Corporation may demand and take stallages rents and tolls as if the market had been provided under the Public Health Acts.

Further
powers as
to removal
and altera-
tion of
market
halls and
market
places.

75.—(1) If at any time after the passing of this Act the Corporation shall exercise the powers conferred upon them by section 185 (Power to enlarge present market halls and market places or to erect others) of the Act of 1845 in so far as those powers relate to the erection and building of other market halls and places it shall be lawful for the Corporation with the approval of the Minister either to discontinue the use of any market halls and places for the time being vested in the Corporation as such and to use and convert the same to or for any other purpose or to continue the same or parts thereof as such market halls and places as aforesaid notwithstanding the erection and building of such other market halls and places as aforesaid.

(2) The Corporation may also with the consent of the Minister discontinue the use for the purposes of their market undertaking of any part or parts of any market halls and market places of the Corporation and may use the parts thereof the use of which is so discontinued for such other purposes as the Minister may approve.

Erection of
offices
shops &c.

76. The Corporation may erect or provide offices shops stores warehouses and other tenements or buildings for the purposes of or in connection with any of their markets and the markets undertaking but nothing in this section shall authorise the Corporation to erect any office shop store warehouse or other tenement or building in such manner as to infringe any existing legal rights of any owners lessees or occupiers of any land or property in the vicinity thereof.

Use of
market
place for
fairs.

77. The Corporation may permit any market place or any land used for the purposes of any market or cattle market or any open land belonging to them to be used for pleasure fairs and they may make regulations with respect to the purposes of such use and as to the conduct

of persons resorting thereto but nothing in this section shall operate to prevent the holding of any market. A.D. 1929.

78. The Corporation may permit any market place or any land used for the purposes of any market or cattle market and any open land belonging to them to be used as a parking place for vehicles or for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto and may make such charges for such user as they may from time to time determine but nothing in this section shall operate to prevent the holding of any market.

Use of
market
place for
public
meetings
&c.

79. If any tenant stallholder or occupier shall not after any stallages rents or tolls have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market house market hall market place or fair belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such stallages rents or tolls.

Power
to take
possession
of stalls
for non-
payment
of rent &c.

80.—(1) The market superintendent any officer of the market the sanitary inspector or any constable may remove or exclude from any market of the Corporation any emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease.

As to
emaciated
or diseased
animals.

(2) The veterinary inspector the market superintendent any officer of the market the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the closing of the market on the day upon which such animal is so detained any emaciated or diseased animal brought to any cattle market of the Corporation and any person

A.D. 1929.

wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Extension
of sections
116 to 119
of Public
Health Act
1875.

81.—(1) Any animal brought to any cattle market of the Corporation at which animals intended for food are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for food within the meaning of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal. The provisions of the section of this Act of which the marginal note is "Extension of powers of veterinary inspector to section 116 of Public Health Act 1875" shall extend and apply accordingly.

(2) Any person knowingly causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for food to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for food as well as the persons mentioned in section 117 of the Public Health Act 1875 shall be liable to a penalty as mentioned in the said section 117.

Extension of
powers of
veterinary
inspector
to section
116 of
Public
Health Act
1875.

82. Every veterinary inspector of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 in the same manner as the medical officer or the sanitary inspector and the Public Health Acts shall apply within the city as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the sanitary inspector.

Names of
weighing
machine
keepers to
be written
on premises.

83. Every person keeping a weighing machine shall cause his full name and the words "Weighing machine keeper" to be painted in capital letters at least two inches high and proportionately broad on the outside of the front of the premises to which such weighing machine is attached and so that the same shall be at all times plainly and distinctly visible and legible during all the time that he shall continue to keep such weighing machine and in default shall be liable to a penalty not exceeding five pounds.

84.—(1) Any person keeping or who acts as a keeper of a weighing machine who shall—

A.D. 1929.

Offences
by weighing
machine
keepers
and others.

- (a) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning till six o'clock in the afternoon on week-days other than Saturday and from eight o'clock in the morning till half-past twelve in the afternoon on Saturdays) wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed;
- (b) not fairly weigh any such vehicle with or without loading;
- (c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading;
- (d) give to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof;
- (e) weigh any vehicle knowing that anything had been added to the loading thereof so as to increase the weight of the same or that the wheels thereof had been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein; or
- (f) knowingly assist in or connive at any fraud to be committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively;

shall be liable to a penalty not exceeding five pounds.

(2) Any person who shall knowingly act or assist in the committing of any fraud respecting the weighing or weight of any such vehicle or the loading thereof which shall be weighed or brought to be weighed at any such machine or which shall be alleged to have been weighed

A.D. 1929. at any such machine shall be liable to a penalty not exceeding five pounds.

Drivers of vehicles to take them to weighing machines on request.

85.—(1) The driver of any vehicle loaded with any goods to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or their respective agents or of an inspector of weights and measures or other officer appointed for the purpose by the Corporation take such vehicle with or without the loading thereof to be weighed by any instrument stamped by an inspector of weights and measures.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would be otherwise necessary to pass than half a mile the owner of such vehicle shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

(3) All such charges for carriage together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid if demanded take the same to such weighing machine as hereinbefore is directed or shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

(5) For the purposes of this section the word "driver" includes the owner driver or person in charge of any vehicle.

Penalties on persons committing frauds.

86. Any person who in regard to the weighing of any vehicle at any weighing machine—

(a) at or before the time of weighing any such vehicle places or knowingly leaves any matter or thing in or about the same other than the proper loading thereof;

- (b) alters any ticket denoting the weight of any such vehicle or of the loading of the same; A.D. 1929.
- (c) makes or uses or is privy to the making or using of any false or fraudulent ticket or knowingly tenders a false statement to a weighing machine keeper respecting the weight of any such vehicle or the loading thereof;
- (d) after the weighing of such vehicle with the loading of the same removes any part of such loading and afterwards disposes or attempts to dispose of the residue of such loading as being the full loading denoted by such ticket;
- (e) after the same and the loading thereof have been so weighed substitutes or attempts to substitute any vehicle with or without the loading thereof or to change the wheels thereof or places thereon lighter wheels or makes any alteration or does any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;
- (f) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required refuses to bring back the same without alteration to be again weighed at the same machine; or
- (g) is guilty of any other fraud or fraudulent contrivance touching the weight of any such vehicle or of the loading thereof;

shall be liable to a penalty not exceeding five pounds.

87. The purchaser of any goods or merchandise conveyed in any vehicle who shall after such vehicle with the loading thereof has been weighed at a weighing machine and before the same is brought back to be reweighed without the loading thereof change the wheels thereof and put on heavier wheels or make any alteration in such vehicle whereby the same may become heavier shall be liable to a penalty not exceeding five pounds. Penalty on purchaser committing fraud in weighing.

88.—(1) In this section the expression "personal weighing machine" means any weighing machine which is used or exposed for use in the city for the purpose of ascertaining the weight of a person (a) for the use of As to personal weighing machines.

A.D. 1929.

— which a charge is made or (b) which is kept in any shop premises or place in the city to which the public have access.

(2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve months from the date of this Act every person who has in his possession or under his control any personal weighing machine which is not so marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding subsection of this section he shall be liable to a penalty not exceeding five pounds and if any person knowingly exposes for use any personal weighing machine without any such mark or with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds.

(5) (a) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the city and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purposes of such inspection and examination enter any place (whether open or closed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

(b) Any person who neglects or refuses to produce for such inspection any machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or

hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second offence ten pounds.

A.D. 1929.
—

(6) The Corporation may make byelaws—

- (a) Generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions under which such marks may be affixed or cancelled;
- (b) With respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;
- (c) For fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section;
- (d) For fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

89. The Corporation may provide and maintain automatic machines for weighing persons in the market halls and places and in public baths and on other premises belonging to them and may charge for the use thereof.

Corporation
may
provide
automatic
weighing
machines.

PART VII.

PUBLIC BUILDINGS PARKS PLEASURE GROUNDS AND BATHS.

90.—(1) Notwithstanding anything contained in any Act or deed to the contrary the Corporation may exercise with regard to the lands in the city which are described in subsection (2) of this section and which lands are known as “the Grosvenor Park” all or any of the powers of sections 76 (Powers as to parks and pleasure grounds) of the Public Health Acts Amendment Act 1907 and section 56 (Further powers as to parks and pleasure grounds) of the Public Health Act 1925.

Powers
as to
Grosvenor
Park.

A.D. 1929.

(2) The lands hereinbefore in this section referred to are certain lands which were granted and conveyed to the Corporation and their successors by an indenture made the fourth day of November eighteen hundred and sixty-seven, between the Most Honourable Richard Marquess of Westminster of the one part and the Corporation of the other part.

Power to
lease &c.
Little
Roodee.

91.—(1) The powers conferred upon the Corporation by section 188 (Power to lease Roodee) of the Act of 1884 in respect of the lands described in that section and therein referred to and commonly known as “ the Roodee ” may be exercised by the Corporation in respect of the lands hereinafter described and known as “ the Little Roodee ” (namely):—

Lands in the city comprising 4.123 acres or thereabouts and bounded on the north-west by Grosvenor Street on the north-east by Castle Drive on the east by land belonging to the county council of the administrative county of Chester and on the south by the river Dee.

(2) The Corporation may also exercise in regard to the said lands all or any of the powers of section 76 (Powers as to parks and pleasure grounds) of the Public Health Acts Amendment Act 1907 and of section 56 (Further powers as to parks and pleasure grounds) and section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 and of this Part of this Act as if the said lands were a park or pleasure ground or lands (not being part of a street) which may lawfully be appropriated for a parking place and may from time to time close to the public the whole or any part of the said lands together with the footpaths (if any) thereover for such period not exceeding six days as the Corporation may determine. Provided that the said lands shall not be closed under the provisions of this subsection for more than a total of forty days in any one year.

(3) During any period in which the said lands are closed to the public in accordance with the provisions of subsection (2) of this section the Corporation may—

(a) let the said lands to or permit the use of the said lands by any association society or person for the purposes of any agricultural horticultural

or other show or for any entertainment or for any other public purpose of a temporary nature and authorise such association society or person to make charges for the use thereof or for access thereto; or

A.D. 1929.

- (b) use the said lands for the purposes aforesaid and make such charges as they think fit for access thereto.

92.—(1) The Corporation may arrange for the provision or carrying on of suitable concerts entertainments exhibitions performances and amusements and for the sale of programmes and refreshments in any public buildings halls or rooms belonging to them and may make such reasonable charges as they may think fit for admission thereto and the Corporation may let any such premises as aforesaid for the purposes of such concerts entertainments exhibitions performances or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit or upon the like terms and conditions they may lease any such premises for any term not exceeding twenty-one years:

Provision
of enter-
tainments
and letting
of buildings.

Provided that—

- (a) any letting other than for a period of less than one month under this section of any building for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable;
- (b) if the Corporation themselves arrange for the provision or carrying on of stage plays or cinematograph performances under the provisions of this section they shall (unless otherwise authorised by Act of Parliament) either—
- (i) let the public building hall or room in consideration of the payment to them of a sum or sums of money; or
- (ii) enter into an arrangement under which a share in the gross or net receipts in respect of the production of such stage plays or cinematograph performances shall be credited to them;

A.D. 1929.

and the Corporation shall not under the provisions of this section undertake any liability for any loss that may be occasioned in the production of any such stage plays or cinematograph performances.

(2) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions performances or amusements provided or carried on in pursuance of the provisions of this section.

(3) Neither—

(a) the net amount of any payments or expenses made or incurred by the Corporation under the provisions of this section after deducting any moneys received by them under the provisions of this section; nor

(b) the total amount of any payments or expenses made or incurred by the Corporation under the provisions of subsection (3) of section 56 (Further powers as to parks and pleasure grounds) of the Public Health Act 1925 the section of this Act of which the marginal note is "Power to advertise entertainments and attractions" and this section;

shall in any one year exceed a sum equivalent to that which would be produced by a rate of twopence in the pound levied on property in the city assessable in that year to the general rate. Provided that the limitation hereby imposed shall not apply to or in respect of any rate in excess of the rate of one penny in the pound which may be approved by the Minister under the provisions of the said subsection (3) of section 56 of the Public Health Act 1925.

Power to
make
byelaws.

93. The existing power of the Corporation of making byelaws for securing good and orderly conduct in their public parks and pleasure grounds shall extend to the making of byelaws for securing good and orderly conduct during any concert recital entertainment exhibition or amusement provided or carried on in pursuance of the provisions of the Public Health Act 1925 or this Act.

Power to
appoint
officers.

94.—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations

made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

A.D. 1929.

—

(2) Nothing in this section shall be deemed to render applicable to any such park-keeper the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

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

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

96. The Corporation may provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction or towards the expenses of which they may contribute in any public park or pleasure ground in the city and may sell such programmes or may authorise any person or persons to provide and sell such programmes.

Programmes.

97. The Corporation may in any year pay or contribute towards the cost of providing and maintaining at public places in the city and on tramcars and omnibuses plying in the city or between the city and other places and in newspapers placards or posters published in the counties of Cheshire Lancashire Shropshire Denbighshire and Flintshire advertisements of the concerts and entertainments provided by them or towards which they may contribute in any public park or pleasure ground in the city or in any enclosure pavilion or other building in such park or ground or in the public offices or swimming baths or other buildings of the Corporation.

Power to advertise entertainments and attractions.

98.—(1) The Corporation may close to the public and may reserve the exclusive use of any swimming bath or open bathing-place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises water polo matches life-saving classes or for entertainments or

Use of swimming baths for exhibitions and entertainments.

A.D. 1929. — exhibitions or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing-place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit.

(2) The Corporation may also let the exclusive use of any such swimming bath or open bathing-place to any school or club on such conditions as they may think fit Provided that no such letting under this subsection shall extend over a consecutive period of more than two hours.

Power to provide public buildings &c.

99. The Corporation may provide or acquire or may on any pleasure ground or subject to the approval of the Minister on any lands of which for the time being they may be the owners erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry on public halls pavilions bandstands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading-rooms shelters ante-rooms refreshment-rooms kitchens cloak-rooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings.

PART VIII.

RIVER DEE.

Definitions for Part VIII.

100. In this Part of this Act—

“ The river ” means that part of the river Dee which extends from the weir at the old Dee Bridge in the city to the iron bridge at Aldford in the county of Chester;

“ Vessel ” means any ship lighter keel barge launch house-boat pleasure or other boat randan wherry skiff dingey shallop punt canoe yacht raft float of timber or craft whatever however navigated;

“ Launch ” means any vessel propelled by mechanical power not being used solely for the carriage of goods;

“ House-boat ” means any pleasure boat on the river which is not a launch and which is decked or otherwise structurally covered in and which is or is capable of being used as a place of habitation (whether by day and night or the one or the other) or as a place for accommodating or receiving persons for purposes of shelter recreation entertainment or refreshment or of witnessing regattas or other events or as club premises or as offices or as a kitchen pantry or store place;

“ Pleasure boat ” means any ship launch house-boat boat randan wherry skiff dingey shallop punt canoe or yacht however navigated not being used solely for the carriage of goods;

“ Master ” when used in relation to any vessel means any person whether the owner master or other person lawfully or wrongfully having or taking the command charge or management of the vessel for the time being.

101.—(1) Every vessel navigating the river shall be navigated with care and caution and at a speed and in such a manner as not to endanger the lives of or cause injury to persons or endanger the safety of or cause damage to other vessels or any moorings or to the banks of the river or other property.

Rules as to
navigation
of river.

(2) Special care and caution shall be used in navigating vessels when passing vessels of all kinds especially those of the smaller classes and such as are employed in dredging or removing sunken vessels or other obstructions.

(3) If the life of any person or the safety of any vessel mooring bank or other property is endangered or injury or damage is caused to any person vessel mooring bank or other property by a passing vessel the onus shall lie upon the master of such passing vessel to show that she was navigated with care and caution and at such a speed and in such manner as directed by this section.

(4) The master of any vessel who in navigating such vessel contravenes or fails to observe the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

(5) If any person holding a certificate of registration issued in pursuance of any byelaws made under the provisions of this Part of this Act in respect of a launch

A.D. 1929. — be twice convicted of any offence against this section such certificate shall forthwith thereafter cease to be of any force and it shall be in the discretion of the Corporation whether or not they will grant a fresh certificate of registration to such person.

(6) For the purpose of enforcing this section the clerk to the justices before whom any conviction under it shall take place shall forthwith notify such conviction by letter to the town clerk in all cases where the Corporation are not themselves the prosecutors.

Person in charge of pleasure boat to be responsible for order.

102. Every person for the time being in charge of any pleasure boat on the river shall be responsible for the conduct of all persons on board such vessel and upon proof that an offence under this Act or under any byelaw made in pursuance thereof or of the Chester Order 1922 has been committed by any person on board such vessel on the river and that the person in charge has refused to give the name and address of the offender the person in charge shall be liable to a penalty not exceeding ten pounds.

Owner to afford information as to person in charge.

103. In case any complaint shall be made to the Corporation as to the navigation of any pleasure boat registered under this Act then the registered owner of such boat shall upon the application in writing to him by the town clerk for that purpose give all information in his power to the town clerk as to the person who at any particular time was in charge of such boat and any registered owner refusing to give such information shall be guilty of an offence against this enactment and shall be liable to a penalty not exceeding five pounds.

As to removal of obstructions.

104.—(1) Subject to the provisions of this Act the Corporation may remove anything causing an obstruction in the river or to the proper use of any towpath thereof and also any floating timber which impedes the navigation thereof and the expenses of removing any such thing or floating timber may be recovered from the person owning such thing or floating timber either summarily as a civil debt or as a debt in any court of competent jurisdiction. Provided that the Corporation may if they think fit detain such thing or floating timber for securing reimbursement to themselves for such expenses and on non-payment thereof on demand may

(after giving to the owner forty-eight hours' notice if after reasonable inquiry such owner can be found) sell such thing or floating timber and out of the proceeds reimburse themselves for any expenses incurred by them under the provisions of this section rendering the surplus (if any) to the owner on demand and in case such proceeds shall be insufficient to reimburse the Corporation for such expenses the deficiency shall be paid to the Corporation by such owner on demand and in default of payment may be recovered as aforesaid.

A.D. 1929.

(2) The words from "and the Corporation shall also have full power" down to "persons using the same" in section 150 (Power to Corporation to license boats &c. on river Dee) of the Act of 1884 are hereby repealed but nothing in this subsection shall prejudice or affect the powers conferred upon the Corporation by article 5 of the Chester Order 1922.

105. Wherever any vessel is sunk or stranded in the river the Corporation may cause such vessel to be raised or in case of sunken vessels which it is not reasonably practicable to remove to be blown up (using all reasonable care) or otherwise destroyed so as to clear the river therefrom and may recover from the person being the owner of such vessel at the time of the sinking or stranding thereof all expenses incurred by the Corporation in or in connection therewith or in raising or saving any furniture tackle or apparel of the said vessel or any goods chattels and effects raised or saved from such vessel or in watching controlling or destroying such vessel either summarily as a civil debt or as a debt in any court of competent jurisdiction Provided that the Corporation may if they think fit detain any such vessel furniture tackle apparel goods chattels and effects so raised or saved as aforesaid for securing reimbursement to themselves for such expenses and on non-payment thereof on demand may (after giving to such owner seven days' notice if after reasonable inquiry such owner can be found) cause such vessel furniture tackle apparel goods chattels and effects or any part of the same respectively to be sold in such manner as they think fit and out of the proceeds of any such sale may reimburse themselves for any expenses incurred by them under the provisions of this section and shall hold the surplus (if

As to
vessels
sunk or
stranded.

A.D. 1929. — any) of the proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Corporation for such expenses the deficiency shall be paid to the Corporation by such owner on demand and in default of payment may be recovered as aforesaid. Provided further that except in cases of emergency the Corporation shall give to the owner of any vessel (if after reasonable inquiry such owner can be found) twenty-four hours' previous notice in writing before blowing up or destroying any such vessel under the powers of this section and the owner may on giving twelve hours' notice before the expiration of the aforesaid notice be at liberty forthwith himself to remove blow up or destroy such vessel but if he fails for a period of twenty-four hours to commence the removal blowing up or destruction of such vessel and if he fails to proceed with all reasonable speed to complete such removal blowing up or destruction this proviso shall cease to have effect with regard to such vessel.

Further
power to
make
byelaws.

106. The power to make byelaws conferred upon the Corporation by section 150 (Powers to Corporation to license boats &c. on river Dee) of the Act of 1884 shall extend to the following matters (namely) :—

- (a) For the regulation and management of the navigation of the river and for the prevention of obstructions to such navigation;
- (b) For the regulation of vessels boats and other craft on the river and of traffic on the towing paths both on ordinary and on special occasions and for enabling the Corporation to stop traffic on the river on the occasion of regattas or boat races and to permit pleasure boats competing at or engaged in connection with such regattas or in such boat races to exceed any limit of speed which may for the time being be prescribed by any byelaws made by the Corporation under the authority of this or any other Act;
- (c) For requiring the registration of pleasure boats or any class or classes of such boats and the issue of certificates by the Corporation of such registration upon such conditions as may be specified in the byelaws for prescribing the

charges (not exceeding the maximum charges set forth in the Second Schedule to this Act) to be paid in respect of certificates of registration and the period for which and the conditions upon which any such certificate shall remain in force for prohibiting the use of pleasure boats which are required to be registered unless the same be so registered for authorising the inspection of pleasure boats by or on behalf of the Corporation and for requiring notice of the transfer or sale of pleasure boats to be given to the Corporation;

- (d) For regulating the making of applications for the registration of pleasure boats used on the river and the procedure with regard thereto;
- (e) For classifying pleasure boats whether for the purposes of registration or for the purposes of the application of any byelaws of the Corporation for the time being in force and for exempting any class or classes so formed from registration under this Part of this Act;
- (f) For prescribing the numbers and maximum size or sizes of launches and house-boats respectively of any class or classes which may be registered by the Corporation and for prohibiting the registration of any greater number of launches and house-boats of any such class or classes than may be specified in such byelaws;
- (g) For the government good order and regulation of persons navigating the river or using the towpaths or landing places stages or pontoons both on ordinary and on special occasions;
- (h) For preserving notice boards and other works (including life-saving apparatus) and things set up by the Corporation or with their consent;
- (i) For prescribing precautions for the prevention of fire and precautions to be taken in cases of fire or accident occurring in or to any vessel boat or other craft propelled by mechanical power;
- (j) For prescribing the conditions on which vessels in which sleeping accommodation is provided

A.D. 1929.

and house-boats shall be allowed on the river and prohibiting the mooring of such vessels and house-boats on the river except at places approved by the Corporation or unless suitable and sufficient sanitary conveniences exist or are provided upon the land adjacent to the point of mooring for the use of the occupants of such vessels and house-boats and for enabling the Corporation and their officers to enter and inspect house-boats and the sanitary conveniences provided in connection therewith :

Provided that notwithstanding any byelaws made under paragraph (c) of this section the Corporation may and shall issue to the builder or owner of any launch a licence for a bonâ fide trial trip of such launch and to the builder of any pleasure boat which is not intended for use on the river a licence to use such pleasure boat on the river for the purpose of moving it from the yard or other premises belonging to him to any point on the river for immediate removal from the river and to the master of any pleasure boat which is proposed to be used on the river for the purpose of taking part in any regatta or boat race a licence to use such pleasure boat for such purpose respectively without payment and (save as aforesaid) upon such terms and conditions respectively as to the Corporation may seem fit and subject to such terms and conditions a builder owner or master to whom such a licence is issued may make such trip or use such pleasure boat without there being in force a registration certificate relating to such launch or pleasure boat.

Recovery
of regis-
tration
fees.

107. In case all or any part of any sum payable under the provisions of this Act or of any byelaws made thereunder on the registration or re-registration of any pleasure boat is not paid on demand to the officer of the Corporation authorised by them to demand and receive the same then and in every such case the Corporation may recover such sum or part thereof from the owner or master of such pleasure boat summarily as a civil debt or in any court of competent jurisdiction.

Power to
refuse or
cancel
registration
of pleasure
boats.

108. If after receiving and considering any complaint made to the Corporation respecting the navigation or use on the river of any pleasure boat or if after receiving and considering a report from any of their

officers servants or agents authorised generally or in any particular case by the Corporation to examine and who shall have examined such pleasure boat and after hearing the owner thereof the Corporation are of opinion that in the interest of the safety of navigation or of the amenity of the river such pleasure boat should not be registered or continue to be registered with them the Corporation may notwithstanding anything contained in this Act or in any byelaws made thereunder refuse to register such pleasure boat or may cancel the certificate of registration thereof and thereupon such certificate shall cease to be of any force Provided that any such owner deeming himself aggrieved by any such refusal or cancellation may appeal therefrom to a court of summary jurisdiction for any area through or by which the river flows and if the court decides that such refusal or cancellation is unreasonable the Corporation shall forthwith register or re-register such pleasure boat and such costs of the successful party to the appeal as the court shall direct shall be paid to such party by the unsuccessful party to such appeal.

A.D. 1929.

109. The master of any launch or house-boat registered in pursuance of any byelaws made under the provisions of this Part of this Act shall produce the certificate of such registration on demand to any officer of the Corporation on his producing if required so to do a certificate of his personal authority signed by the town clerk when such vessel if a launch is in course of navigation under mechanical power on the river or if a house-boat is being used on the river (as the case may be) and if any such master makes default in so doing he shall be liable to a penalty not exceeding forty shillings.

Certificate
to be
produced.

110. The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to the river and all byelaws made thereunder respectively.

As to
appoint-
ment of
officers.

PART IX.

TOWN PLANNING.

111. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the city

Power to
make town
planning
schemes

A.D. 1929.
—
with
reference to
developed
lands.

notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as "the Act of 1925") shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Purposes
for which
land may be
purchased
for town
planning
schemes
under this
Part of
Act.

112. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include—

(a) the purpose of improving and developing frontages to and developing lands abutting on or adjacent to any new street or any widening of an existing street; and

(b) the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement.

As to
properties
of which
parts only
are required
for town
planning
schemes.

113.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory of which the Corporation have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of

the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

A.D. 1929.

(2) If the arbitrator determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the arbitrator.

(3) If the arbitrator determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this section shall be borne and paid by such owner or other person.

(4) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other

A.D. 1929. — person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

Restriction
on rights of
purchase
in certain
cases.

114. The provisions of paragraph 2 of Part II. of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Act except in so far as they relate to any land which has been acquired by any company for the purposes of a railway dock or canal but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or the Dee Conservancy Board or has been acquired by any company body or person for the purposes of a water or other public undertaking without the consent of such local authority board company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

Limitation
on require-
ments under
scheme.

115.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

(a) to require the demolition removal or alteration of any building existing at the date of the passing of the resolution of the council to prepare or adopt the scheme or of which the erection was commenced before that date; or

(b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose;

A.D. 1929.

unless and until the scheme is brought into operation for that purpose by an order of the Corporation approved by the Minister and where an order is so made the provisions of subsection (2) of section 11 of the Act of 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Minister for approval of an order under this section the Corporation shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners may make to them within such period (not being less than one month) as may be specified for that purpose in the order and may make such modifications in the order as they think necessary in consequence of any such representations.

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners a copy of the order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

116. Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under this Part of this Act relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made by the Minister under the Act of 1925 or any Act repealed thereby to be given by the Corporation in connection with the preparation of the said scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Corporation to serve a copy of any of

Registration
of ownership
of land and
service of
notices.

A.D. 1929.

such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company:

Provided that in any notice advertised by the Corporation pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

Definition of "owner" for certain purposes.

117. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of ownership of land and service of notices" the word "owner" has the same meaning as in the Lands Clauses Acts.

PART X.

STREETS BUILDINGS AND DRAINS.

Development scheme may be required in connection with new streets.

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

(2) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry

out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

A.D. 1929.

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

(4) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal 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 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.

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

119.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the city 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 Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

Adjustment
of bound-
aries of
streets.

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

A. D. 1929.

notice to the Corporation of their intention to appeal under the provisions of this section the Corporation 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 city may appeal to a court of summary jurisdiction against any proposal of the Corporation 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 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 Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

(7) In any case where the adjustment of the boundary of any street under the powers of this section would cause any mains pipes or apparatus of the Chester Waterworks Company or the Chester United Gas Company (as the case may be) which are under the footway of any street to be under the carriageway thereof or cause any such mains pipes or apparatus which are under the footway or carriageway of any street to cease to be under such carriageway or footway or would otherwise affect any such mains pipes or apparatus the Corporation shall before any such adjustment is effected give notice in writing to the company affected of the proposed adjustment and thereupon notwithstanding any agreement entered into under this section the said company

shall continue to have the same powers and rights in respect of any such mains pipes or apparatus belonging to or used by them which remain in under or upon the land so conveyed by the Corporation as if the same had continued to be part of the street : A.D. 1929.

Provided that—

- (a) the Corporation may by such notice require the said company to alter and the said company when so required shall alter; or
- (b) the said company may if they notify the Corporation 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 mains pipes or apparatus so that the same shall be situate in the street as altered under the provisions of this section and any expenses reasonably incurred by the said company in effecting any such alteration as aforesaid shall be repaid to them by the Corporation.

120.—(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) within the city are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be

Adjust-
ment of
boundaries
of estates.

A.D. 1929. made a term or condition of any award made under this section otherwise than with his consent.

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

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

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

Further powers as to future line of street.

121.—(1) The Corporation 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. A.D. 1929.

(2) The owner may and if so required by the Corporation 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 Corporation 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 Corporation under this section the Corporation 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.

(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 Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

122. The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

Byelaws
as to inter-
secting
streets.

123.—(1) If any banner streamer sign or lettering shall after the passing of this Act be suspended across

Banners
and signs
over streets.

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. the carriageway of any street in the city without the consent of the Corporation the owner or person responsible for such suspension shall be liable to a penalty of not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the banner streamer sign or lettering.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may themselves remove any such banner streamer sign or lettering and any expense incurred by them in so doing may be recovered by them summarily as a civil debt from such person.

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

(4) The withholding of any permission by the Corporation under this section shall be deemed to be the withholding of a consent within the meaning of the section of this Act of which the marginal note is "As to appeals."

As to
pavement
lights.

124.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the city any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

125.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically-propelled vehicle other than a motor cycle in passing to and from such premises the Corporation may either—

Crossings
for horses
or vehicles
over
footways.

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner as a civil debt.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically-propelled vehicle other than a motor cycle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of the said condition shall be liable to a penalty not exceeding five pounds.

A.D. 1929.

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

Power to provide tubs for trees &c.

126. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants. Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

Power to determine width of carriage-ways and footways.

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

As to barriers in streets.

128.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected across any of the streets of the city 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.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the city such sockets or slots as may in their opinion be necessary or convenient.

Extension of section 73 of Act of 1845.

129. Section 73 (Council may place fences to footways) of the Act of 1845 is hereby extended so as to enable the Corporation from time to time to place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any schools within the city for

the purpose of preventing danger from traffic along such carriageways to children going to or coming from such schools and to remove the same when the Corporation shall think fit.

A.D. 1929.

—

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

Fire plugs.

131. The Corporation may (a) erect or fix and maintain police telephone call boxes and traffic signalling apparatus in such positions in any street road or public place within the city as they think fit (b) with the consent of the road authority and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street road or public place in the district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Police telephone call boxes traffic signalling apparatus and fire alarms.

132.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of the Minister of Transport and the direction or the distance to towns railway stations public buildings and other places of a public character.

Direction signs.

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

A.D. 1929.

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

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

Restrictions
on rights of
breaking up
streets in
city.

133.—(1) Not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the city either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street and when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and

subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and settlement. A.D. 1929.
—

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any streets in cases of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

134.—(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 within the city—

As to
hoardings
and similar
structures.

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

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

A.D. 1929.

(2) (a) The Corporation 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 Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

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

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

No building
allowed
until street
defined.

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

(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.

136.—(1) Before any person shall erect on any land within the city a retaining wall of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

A.D. 1929.

—
As to
erection
of retaining
walls.

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

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

Restriction
on erec-
tion of
temporary
stands &c.

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

(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.

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

Elevation
of buildings
erected on
front lands
to require
approval.

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

(a) any door or entrance in an existing building 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 Corporation;

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

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

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

Elevation
of new
buildings
fronting
streets
facia boards
and signs.

139.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending (a) to erect a building in any street within the city or (b) to erect place or paint upon against or on a building in the city any facia board signboard or sign or (c) to erect place or paint upon against or on the wall rails floor ceiling or supports of the rows in the city any sign or (d) to reconstruct alter or repair the footways ceilings stalls or supports of such rows shall furnish the Corporation (as the case may be) with (a) drawings of the elevations of the building and particulars of the materials to be used in those parts of the building which are comprised in the elevations or drawings or (b) particulars of the proposed facia board signboard or sign or (c) particulars of the proposed sign or (d) particulars of the manner in which and materials with which such reconstruction alteration or repair is proposed to be carried out (all of which drawings and particulars are in this section included in the expression "particulars").

(2) For the purpose of assisting the Corporation in the exercise of the power hereinafter conferred of approving or disapproving particulars a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted

for the city of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council :

A.D. 1929.

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(3) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Corporation may pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit.

(4) Where any particulars are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the particulars—

(a) approve the particulars; or

(b) if they shall consider that having regard to the general character of the existing buildings in the street or row or of the buildings proposed to be erected in the street the building board sign or work of reconstruction alteration or repair to which the particulars relate would seriously disfigure the street or row (as the case may be) whether by reason of the height of the building or its design or the materials proposed to be used in its construction or by reason of the size colour position materials or character of the board or sign or by reason of the manner in which or the materials with which the work of reconstruction alteration or repair is proposed to be carried out refer the question of the approval of the particulars to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building board sign or work of reconstruction alteration or repair is considered to be objectionable.

A.D. 1929.

(5) The Corporation shall forthwith send notice in writing to the person by whom the particulars were deposited of their approval thereof or if the building board sign or work of reconstruction alteration or repair is considered to be objectionable on any of the grounds mentioned in this section of the reference of the particulars to the advisory committee and the notice shall be accompanied by a statement of the objections to the building board sign or work of reconstruction alteration or repair.

(6) (a) The person by whom the particulars were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the consideration mentioned in subsection (4) (b) of this section they approve or disapprove the particulars and their decision shall be final and conclusive.

(ii) If the particulars are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building board sign or work of reconstruction alteration or repair is considered to be objectionable.

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(7) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the council and to the person by whom the particulars were submitted.

(8) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the advisory committee but save as aforesaid the advisory committee shall act by their whole number.

(9) Where the particulars have been disapproved under this section it shall not be lawful to erect the building or to erect or place the board or sign or to carry

A.D. 1929.

out the work of reconstruction alteration or repair until the particulars thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(10) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof are payable by the person submitting the particulars they shall be recoverable by the Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the particulars in the like manner.

(11) The provisions of this section shall not apply to a building (not being a dwelling-house showroom or office) belonging to any person or body of persons authorised by virtue of any Act of Parliament or any Order having the force of an Act of Parliament to manufacture gas or to supply electricity or water or to navigate on or use any river canal dock harbour or basin or to demand any tolls or dues in respect of such river canal dock harbour or basin and used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

140.—(1) If the medical officer is of opinion that any building proposed to be erected in the city would if erected—

Prevention of obstructive buildings.

- (a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or
- (b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed building should be erected.

(2) A representation made to the Corporation in pursuance of this section shall be deemed to be a representation made under the provisions of subsection

A.D. 1929. — (1) of section 19 (Power to local authority to order obstructive buildings to be pulled down) of the Housing Act 1925 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

Erection of buildings to greater height than adjoining building.

141.—(1) In case any building within the city 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.

Dilapidated and neglected buildings.

142.—(1) Where an unoccupied building within the city is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are

paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit. A.D. 1929.
—

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

143.—(1) In the case of any building within the city which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same. As to
dangerous
buildings.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

144. 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 Byelaws
as to
alterations
of buildings.

A.D. 1929. — 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 as can be required in relation to the erection of a new building.

Extension of section 157 of Public Health Act 1875.

145. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the city shall be extended so as to empower the Corporation 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;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or re-set in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (vi) the testing of drains of new buildings;
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost;
- (viii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws.

As to restriction of air space.

146. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the city shall

have effect as if the words " space about buildings " had been inserted therein before the words " drainage of buildings " in subsection (2) of that section Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of such byelaw.

A.D. 1929.

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

Means of
escape from
buildings
in case of
fire.

(2) (a) From and after the first day of July nineteen hundred and thirty the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or boarding school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire fighting and first aid appliances and proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet

A.D. 1929. — from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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

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

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court of Chester holden in the city and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

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

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

(6) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire)

of the Factory and Workshop Act 1901 or any enactment amending those sections apply. A.D. 1929.

(7) 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.

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

Food storage accommodation.

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

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

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

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

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. — opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

Area of habitable rooms.

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

Cellars not to be constructed below sub-soil water level.

150.—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the city of any cellar or room the floor level of which shall be lower than the highest known level of the sub-soil water on under or adjacent to the land on which such dwelling-house shall be erected.

(2) Any person offending against any prohibition of the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to secondary means of access.

151. The power of the Corporation to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

Extension of sections 171 and 172 of Act of 1884.

152.—(1) If it appears to the Corporation that any erection constructed or placed after the passing of this Act is in contravention of section 171 (Space to be left behind dwelling-houses) or section 172 (Space not to be built on) of the Act of 1884 they may by a notice in writing require the person by whom the erection was constructed or placed to furnish on or before the day specified in the notice a statement in writing showing sufficient cause why the erection shall not be taken down and if such person shall fail to show such cause the Corporation may take down such erection and may remove the materials to a convenient place.

(2) Any expense incurred by the Corporation in exercising the powers conferred upon them by subsection (1) of this section shall be repaid to the Corporation by the owner of the land upon which the erection was constructed or placed. Provided that if the erection was so constructed or placed by the occupier of the land in question the owner may recover from such occupier any expenses repaid by him to the Corporation under the provisions of this section. A.D. 1929.

153.—(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 city without the previous approval of the Corporation. Prohibition of tents vans &c.

(b) It shall not be lawful for any person without the previous consent of the Corporation 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 Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation 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 unless it is 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 travelling with a travelling show not being a pedlar or hawker.

(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.

A.D. 1929.

—
Further provisions as to sanitary conveniences.

154.—(1) The owner of two or more sanitary conveniences within the city provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Closet accommodation in houses occupied by more than one family.

155.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house within the city occupied by a separate family as it applies to the whole of a house.

(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.

Byelaws as to water-closets.

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

Combined drains.

157.—(1) If it appears to the Corporation that two or more houses within the city 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 yards of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned

A.D. 1929.

between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

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

(3) Provided that—

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

(b) in every case in which the Corporation enforce the provisions of subsection (1) of this section one-half of the expenses incurred in respect of so much of the distance drained as is beyond one hundred feet shall be paid by the Corporation.

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

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

Houses
connected
with single
private
drain.

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. — of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(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 city.

(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.

159.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain water-closet or soil pipe within the city is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

Improper
construction
or repair
of water-
closet or
drain.

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

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being

his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

A.D. 1929.

—

161. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

As to
repair of
drains.

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

162. If any person cause any drain watercloset pailcloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful
damage
to drains
water-
closets &c.

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.

163. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of

Powers on
inspection.

A.D. 1929.

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.

Sanitary conveniences for workmen engaged on buildings.

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

(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.

Amendment of section 62 of Public Health Act 1875.

165. 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."

Penalty for throwing rubbish into streams.

166. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the city so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds.

Saving for railway companies.

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

Banners and signs over streets;

As to pavement lights;

Crossings for horses or vehicles over footways;

Direction signs;

As to hoardings and similar structures;

Restriction on erection of temporary stands &c.;

Dilapidated and neglected buildings;

Means of escape from buildings in case of fire;

Prohibition of tents vans &c.;

Powers on inspection;

A.D. 1929.

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

PART XI.

INFECTIOUS DISEASE AND SANITARY MATTERS.

168. For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to close Sunday schools and exclude children from entertainments" and "Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails" respectively the expression "infectious disease" includes measles german measles whooping cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

Definition for purposes of this Part of Act.

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

Parents to notify infectious disease.

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

A.D. 1929. — 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 purpose of this section the expression "school" shall include a Sunday school.

Power to close Sunday schools and exclude children from entertainments.

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

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

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

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

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

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

A.D. 1929.
—
Information to be furnished in case of infectious disease.

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

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

173.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

Names of laundrymen to be furnished.

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

174.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) within the city would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building

Disinfection in case of tuberculosis.

A.D. 1929. — informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

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

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

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

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

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the person from whom they were taken free of charge.

A.D. 1929.

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

175.—(1)—

(a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the city; and

Registration of ice-cream manufacturers and premises.

(b) Any premises within the city used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the city carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises within the city shall be used for the purposes aforesaid unless they be so registered.

(3) 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.

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

For regulating manufacture and sale of ice-cream &c.

A.D. 1929.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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

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

177.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions

Byelaws
as to
transport
of food.

in the transport of any article intended to be sold for food. A.D. 1929.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company of any article intended for food the Corporation shall give notice to the company of the Corporation's 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.

178.—(1) Any premises within the city used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid. Registration of premises used for preparation of potted and preserved foods.

(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 of 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 or shall in any way affect the operation of that Act.

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

A.D. 1929.

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 by the Corporation for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

Further powers in relation to unsound food.

180. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly. Provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or parcel in the possession of such company as carriers thereof.

Byelaws as to inspection of meat.

181.—(1) The Corporation may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the city and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 apply or which has been inspected and passed as fit for food by the medical officer of health of the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this

A.D. 1929.

section an officer of the Corporation may with the consent of the local authority concerned enter any slaughterhouse which is situate outside the city but within a circle having a radius of thirteen miles from the town hall for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the city.

(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the Chester and District Master Butchers Association and to the Cheshire Branch of the National Farmers Union of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association and branch thereon before they submit them to the Minister for confirmation and such association and branch shall be entitled to make representations to the Minister with regard thereto.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

182. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

Byelaws as to lodgings.

- (1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof;
- (2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

183.—(1) If the owner of any dwelling-house or premises occupied therewith within the city represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit

As to filthy premises.

A.D. 1929. — 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 order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

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

Regulation
dustbins.

184.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the city to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(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 covered ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(6) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Corporation do not remove the refuse.

185.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

A.D. 1929.

—
Discon-
tinuance of
offensive
trade.

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of the said section of this Act shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

186. The power of the Corporation to make bye-laws under section 26 of the Public Health Acts

Byelaws as
to refuse.

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. Amendment Act 1890 shall extend to refuse which is not fæcal or offensive or noxious matter or liquid.

Byelaws
as to
stables.

187. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions—(a) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) within the city or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act within the city.

As to
infected
stables or
other
places.

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

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

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

189.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the city which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health 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. A.D. 1929.

(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 the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister 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 Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in 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.

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929.

(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.

Power to purchase slaughter-houses.

190.—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses.

(2) The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act.

Extension of section 169 of Public Health Act 1875.

191.—(1) The provisions of section 169 (Power to provide slaughter-houses) of the Public Health Act 1875 shall be extended so as to empower the Corporation in connection with any slaughter-houses provided by them in pursuance of the said section to erect and maintain furnish fit up and equip all necessary buildings pens yards railway sidings works and conveniences approaches buildings stalls standings and other accommodation and to use the same for the purposes of the said slaughter-houses and any other purposes in connection with the markets undertaking.

(2) The Corporation may lease for such period let or otherwise permit the use of in such manner and for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughter-houses or lairages erected by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

Notice to be given of this Part of Act.

192. Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon

as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the city.

A.D. 1929.

PART XII.

COMMON LODGING-HOUSES.

193. No house or part of a house within the city shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

As to periods of letting as affecting common lodging-houses.

194.—(1) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

Power to refuse registration.

- (a) that the premises are suitably equipped for use and occupation as a common lodging-house; or
- (b) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the district in which the premises are situate.

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such registration is refused.

(3) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the Corporation.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect

A.D. 1929. — to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

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

(6) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

Byelaws relating to common lodging-houses.

195. Section 80 (Byelaws to be made by local authority) of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstructions of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the cubical contents and the accommodation thereof.

Notice of provisions of Part XII of Act.

196. Within one month after the passing of this Act the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every registered common lodging-house in the city.

PART XIII.

POLICE AND HACKNEY CARRIAGES.

Regulations for controlling traffic.

197.—(1) The Corporation may from time to time make regulations prescribing within the area referred to in subsection (9) of this section—

- (a) the streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;
- (b) the streets or parts of streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;
- (c) 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—

A.D. 1929.

- (i) Except in regard to the narrow streets (as hereinafter defined) no regulation made under paragraph (a) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the area whilst so engaged;
- (ii) No regulation made under paragraph (a) of this subsection shall prohibit the delivery or collection of goods at or from any premises abutting on the narrow streets by a vehicle of a class which is specified in regulations made under this subsection as being suitable for use in the narrow streets;
- (iii) No regulation made under paragraph (a) of this subsection shall prevent any vehicle which does not exceed seven feet in overall width (whether laden or unladen) from passing along Weaver Street or Commonhall Street but any such vehicle which exceeds six feet six inches in such overall width shall not proceed along such last-mentioned streets at a speed which exceeds four miles per hour;
- (iv) No regulation shall be made under paragraph (b) of this subsection in respect of any street along which tramcars are for the time being operated in both directions.

(2) Before any regulations made under this section shall come into force the Corporation 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 city 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 town clerk.

(3) The said Minister shall consider any regulations submitted to him by the Corporation and any representa-

A.D. 1929. — tions thereon which may be duly made and may approve the regulations submitted to him with or without modifications or may disapprove the same.

(4) Before approving any regulations submitted to him under this section 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 Corporation 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 inquiry and a sum to be fixed by the said Minister for the services of such person.

(5) The Corporation 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 city and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

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

(7) The Corporation shall cause notice to be given of all regulations made under this section by advertisement in a newspaper circulating in the city and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation made under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street or streets 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 contravene any regulation under paragraph (a) of subsection (1) of this section in regard to any of the narrow streets after having been previously warned by word or signal by a police constable in uniform or by a written or

A.D. 1929.

printed communication signed by the chief constable of the city or signed by an officer of the police force of the city authorised by him in that behalf; or

(b) shall contravene any such regulation in regard to any street in the city (other than the streets so specified) after warning given by word or signal by a police constable in uniform; or

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

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

shall be liable to a penalty not exceeding forty shillings.

(9) In this section—

(a) “ the area ” means any part of the city which is within a radius of one mile from the town hall;

(b) “ specified ” means specified in any regulations made or approved under this section;

(c) “ the narrow streets ” means Crook Street Weaver Street Bedward Row Pierpoint Lane Blackfriars Hamilton Place (for a distance of forty yards from Crook Street) Leen Lane Godstall Lane Goss Street Trinity Street Commonhall Street Union Walk Steven Street Rocky Lane The Groves (from the Old Dee Bridge to the Records Steps) and Crane Terrace.

(10) The said Minister on the application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the city may if satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation modify or extend the regulation to which the application relates.

198.—(1) The Corporation may make regulations prescribing within the city—

(a) as respects omnibuses in general or omnibuses of any particular class or used on any particular

Regulations as to stands or stopping places of omnibuses.

A.D. 1929.

route or running according to a published timetable 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 any 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 city and any byelaws made by the Corporation under that paragraph shall be repealed.

(3) Where the Corporation 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 local newspaper circulating within the city and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the city.

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

(5) The Corporation 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 Corporation 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 Corporation.

A.D. 1929.

(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 Corporation under this section the regulations shall not be sealed by the Corporation 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 city may at any time apply to the said Minister to modify or extend 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 city or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates.

(11) No stand or stopping place shall be prescribed so as to interfere with the convenient access to or exit from any railway station depôt or property.

199. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the city on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in

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

A.D. 1929.

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.

Evidence of regulations made by Corporation.

200. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation as that section extends to byelaws so made.

Notice of processions to be given.

201.—(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 city (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 Corporation by leaving such notice at the head police office twenty-four 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 city 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.

Byelaws as to leading or driving cattle.

202. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prohibiting animals from being led or driven along such streets of the city as may be specified in such byelaws and for prescribing the hours during which and the manner according to which animals may be led or driven along any streets in the city :

Provided that the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the city or any place beyond the boundary of the city when such animals are merely passing between such market or

slaughter-house and railway station or other place as
aforesaid : A.D. 1929.

Provided also that any such byelaw shall not prevent
the owner of any animal driving the same to his own
premises.

203. In the application to any land forming part
of a street in the city of section 68 of the Public Health
Act 1925 the word " byelaws " shall be substituted for
the word " regulations." Extension of
section 68 of
Public Health
Act 1925.

204. The Corporation may make byelaws prohibit-
ing or restricting the use by persons riding bicycles
tricycles or other similar vehicles on any footpaths
specified and defined in such byelaws. Byelaws
as to
bicycles &c.
on certain
paths.

205. Every person who shall ride upon or cause
himself to be carried or drawn by any vehicle without the
consent of the owner or driver or conductor or inspector
in charge thereof shall be liable to a penalty not exceed-
ing forty shillings. Unautho-
rised riding
upon
vehicles.

206.—(1) The Corporation may from time to time
grant to any person whom they think fit a certificate to
carry on the calling of a guide to places of interest in the
city and may charge a fee of one shilling for any such
certificate. Certificates
to city
guides.

(2) The Corporation may from time to time make
byelaws for regulating the conduct of any persons to
whom such certificates are granted and for fixing the
charges to be made by them.

(3) Every such certificate may be granted for a year
or for any less period as the Corporation may think fit
and may be suspended or revoked or endorsed by the Cor-
poration for a breach of such byelaws or whenever they
shall deem such suspension or revocation or endorsement
to be necessary or desirable in the interests of the public
Provided that the existence of this power to suspend or
revoke or endorse a certificate shall be plainly set forth
in the certificate itself.

(4) Every such certificate whensoever issued shall
expire on the thirty-first day of March next following
the date of its issue and may contain conditions as to the
badge which the holder of any such certificate shall wear.

A.D. 1929.

(5) If any person while not holding such a certificate which has not expired represents himself to hold a certificate granted by the Corporation under this section or wears any badge for the purpose of representing himself as holding such a certificate he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Penalty
for crying
newspapers.

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

Byelaws
as to
hackney
carriages.

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

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

Provided that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the driver or conductor of such vehicle.

Power to
impose test
on motor
drivers.

209. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation

of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit.

A.D. 1929.

210.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the city 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 Corporation 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 certi-
fication of
taximeters.

(2) The Corporation 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.

211.—(1) The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps 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 the provisions of that subsection shall apply accordingly.

Insurance
by hackney
carriage
proprietors.

(2) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid any

A.D. 1929. licence granted in respect of any vehicle to which the policy relates shall thereupon become void.

(3) The provisions of this section shall cease to apply when provisions to the like effect contained in a general Act come into operation in the city.

(4) Provided that in the case of an application to the Corporation by a railway company for the grant of a licence to ply for hire the provisions of this section shall not apply.

Power to grant occasional licences.

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

PART XIV.

SALE OF COKE.

Application to sale of coke of Weights and Measures Act 1889.

213. The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the city.

Penalty on fraudulent sale.

214. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Proceedings under Part XIV. of Act.

215. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act.

Application of Part XIV.

216. The provisions of this Part of this Act relating to coke shall apply also to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

Notice to be given of Part XIV. of Act.

217. Public notice of the provisions of this Part of this Act shall be given forthwith after the passing

of this Act by advertisement in two newspapers published or circulating in the city. A.D. 1929.

PART XV.

FINANCE.

218.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of that table and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereto shall respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

Power to borrow.

1	2	3
Purpose.	Amount.	Period.
(a) The construction of the street works authorised by Part II of this Act.	£ 2,636	Thirty years from the date or dates of borrowing.
(b) The purchase of land	2,750	Sixty years from the date or dates of borrowing.
(c) The provision of omnibuses	32,050	Eight years from the date or dates of borrowing.
(d) The adaptation of buildings for the purposes of the omnibus undertaking of the Corporation.	836	Thirty years from the date or dates of borrowing.
(e) The reconstruction of roads upon which the tramways to be removed or discontinued under this Act are situate.	9,477	Twenty years from the date or dates of borrowing.
(f) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

A.D. 1929.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part IV (Omnibuses and tramways) of this Act and may with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part V (Electricity) of this Act and may with the consent of the Minister borrow such further money as may be necessary for any of the other purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

Certain provisions of Public Health Acts not to apply.

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

Modification of section 22 of Act of 1884 and further powers as to stock.

220.—(1) The proviso to subsection (1) of section 22 (Creation of Corporation stock) of the Act of 1884 is hereby repealed.

(2) Notwithstanding anything contained in the Act of 1884 the Corporation may exercise any statutory borrowing power by the creation and issue of a further new class or classes of redeemable stock at such prices and bearing such dividends as the Corporation may determine by the resolution creating such stocks.

(3) Each class of stock created under subsection (2) of this section shall bear a distinguishing name or number to be given by the resolution creating it and shall be created on and subject to such terms and conditions as that all stock in the class shall bear one and the same

rate of dividend and shall become redeemable as hereinafter provided at the expiration of the same period from the first creation of the stock. A.D. 1929.

(4) After the expiration of such a period from the creation of the class of stock under subsection (2) of this section as the Corporation shall by the resolution creating the same declare all stock comprised therein shall be redeemable at par at the option of the Corporation and within such a period (not exceeding sixty years) from the first creation of such class of stock as the Corporation shall by such resolution declare the whole of the stock comprised therein shall be redeemed or purchased and extinguished.

(5) All stock created and issued under this section shall be charged in the same manner as and rank *pari passu* with stock issued under the Act of 1884 and shall otherwise be subject to the provisions of that Act as altered by subsequent Acts.

(6) A separate loans fund to bear the name given to it by the resolution creating each class of stock shall be established and formed in respect of each class which may be created and issued by the Corporation by virtue of this section and all the provisions of the Act of 1884 as altered by subsequent Acts in regard to the Chester Corporation Consolidated Loans Fund No. 2 shall *mutatis mutandis* apply to the loans funds so to be established and formed. Provided that the contributions to the loan funds shall be such as will with accumulations at compound interest at the rate of three pounds ten shillings per centum per annum or such other rate as the Minister may approve be sufficient to purchase at par the amount of stock issued in respect of any statutory borrowing power within the time within which under the terms of that borrowing power the money represented by the stock is to be repaid.

221.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

Sinking
fund.

(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

A.D. 1929.

sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be

derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments. 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 Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister 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

A.D. 1929.

period the Corporation 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 Corporation with the consent of the Minister may determine.

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

Power to
re-borrow.

222.—(1) The Corporation shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid— A.D. 1929.

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

223. 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 Corporation 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 Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts. As to section 234 of Public Health Act 1875.

224. Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation. As to mortgage of revenues of Corporation.

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

- (a) all moneys borrowed by the Corporation 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 Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;

A.D. 1929.

- (c) the appropriate sums provided in each year out of other funds of the Corporation 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 Corporation 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 Corporation—

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and
- (c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Corporation 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.

(3) Subject to any priority existing at the passing of this Act all bonds and stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation 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 Corporation to the holders of bonds stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation 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.

226. When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund redemption fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund redemption fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (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 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.

227. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for

Use of
moneys
forming
part of
sinking
and other
funds.

A.D. 1929. — the redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

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

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

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

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

Evidence
of transfer
or trans-
mission of
securities.

228. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters

A.D. 1929.

of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

229. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt
in case of
persons not
sui juris.

230. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on
mortgages
held jointly.

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

Expenses of
execution
of Act.

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

Return to
Minister
with
respect to
repayment
of debt.

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

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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

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

233.—(1) Subject to the provisions of subsection (2) of this section and notwithstanding anything contained in any previous enactment all money received by the Corporation on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived shall be carried to and shall form part of the revenue for that year of the general rate fund and all payments and expenses made and incurred in respect of any such undertaking in the same year shall be paid out of that fund.

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

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings (other than the electricity undertaking) 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.

A.D. 1929.
—

234.—(1) As from the first day of April nineteen hundred and thirty the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings referred to in the section of this Act of which the marginal note is “ Application of revenue and payment of expenses of undertakings ” (each of which is in this section separately referred to as “ the undertaking ”) on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

Accounts.

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

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

A.D. 1929. order to show the financial position of the undertaking or purpose.

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

Reserve
fund for
omnibus
under-
taking.

235.—(1) As from the date upon which the tramways of the Corporation are completely abandoned under the provisions of this Act section 72 (Application of tramway revenue) of the Act of 1901 shall be repealed.

(2) As from the said date the Corporation may (if they think fit) provide a reserve fund in respect of the omnibus undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-tenth of the aggregate capital for the time being expended by the Corporation upon the undertaking.

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

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

(5) Any moneys at the said date standing to the credit of any reserve fund formed under the said section

72 shall be carried to the credit of a reserve fund formed under the provisions of this section. A.D. 1929.

236. The Corporation may if they think fit establish a fund to be called "the lands fund" which shall form part of the general rate fund to provide for purchasing or acquiring or taking on lease and holding any lands and buildings which in their opinion it is desirable at any time to acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city (other than purposes of the tramways undertaking the water undertaking the electricity undertaking and the markets undertaking) and such fund shall be formed by annually appropriating thereto out of the general rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of two pence in the pound calculated in manner provided by rules from time to time made by the Minister under the Rating and Valuation Act 1925 Provided that when the fund aforesaid shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of ten thousand pounds. Lands fund.

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

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

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the

A.D. 1929. Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

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

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

Sub-
scriptions
to local
government
associations
and other
expenses.

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

- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the city.

Power to
expend
money on
lectures.

239. In addition to any other powers exerciseable by the Corporation whether as the local education authority or otherwise they 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.

PART XVI.

A.D. 1929.

MISCELLANEOUS.

240. The Corporation may establish and maintain an information bureau or information bureaux in the city for the purpose of supplying such information with regard to the city as may be desired by visitors or intending visitors to the city and others or may subscribe towards the establishment of any such bureau and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Power to establish information bureaux.

241.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of this section shall not apply to a railway locomotive.

242.—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair.

Silencers for internal combustion engines.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid :

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company and used by them for

[Ch. xcvi.] *Chester Corporation* [19 & 20 GEO. 5.]
Act, 1929.

A.D. 1929. the purposes of their railway undertaking or belonging to the Chester Waterworks Company and used for the purposes of their water undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

As to city walls.

243. No person shall place or cause or permit to be placed any materials or refuse within six feet of the city walls so as to cause or be likely to cause damage to those walls or so as to prevent or interfere with the inspection of the walls or any part thereof by the Corporation.

Service of summons on members of Council.

244. Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Application of provisions of Acts of 1884 and 1901.

245. The following provisions of the Act of 1884 and the Act of 1901 shall with any necessary alterations or modifications and subject to the provisions of this Act extend and apply for the purposes of this Act as if the same were re-enacted in this Act (namely):—

The Act of 1884—

Section 85 (Compensation may be made in land or works);

Section 88 (Power to take easements &c. by agreement);

Section 89 (Errors and omissions in plans to be corrected);

Section 90 (Extinguishment of rights of way);

Section 91 (Copies of deposited plans &c. to be evidence);

Section 193 (Option in case of similarity of provision in general or local Act).

The Act of 1901—

Section 55 (Application of moneys borrowed);

Section 56 (Mode of raising money);

Section 57 (Provisions of Public Health Act as to mortgages to apply);

Section 59 (Mode of payment off of money borrowed) except the proviso; A.D. 1929.

Section 61 (Corporation not to regard trusts);

Section 62 (Appointment of receiver);

Section 67 (Protection of lenders from inquiry);

Section 75 (Audit of accounts);

Section 83 (Inquiries by Local Government Board):

Provided that for the purposes of such application—

(a) The said section 56 of the Act of 1901 shall have effect as if the words “ and this Act ” were therein inserted after the words “ the Act of 1884 ” and as if the proviso were omitted from that section;

(b) The said section 62 of the Act of 1901 shall have effect as if the words “ one thousand pounds ” were therein inserted instead of the words “ five hundred pounds ”;

(c) The said section 83 of the Act of 1901 shall have effect as if the words “ five guineas ” were therein inserted instead of the words “ three guineas.”

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

247. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the city execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed In executing works for owner Corporation liable for negligence only.

A.D. 1929. — by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Power to enter premises.

248. 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 Part X (Streets buildings and drains) Part XI (Infectious disease and sanitary matters) and Part XII (Common lodging-houses) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

249. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part X (Streets buildings and drains) Part XI (Infectious disease and sanitary matters) or Part XII (Common lodging-houses) 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 work required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds 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 work.

General provisions as to byelaws.

250. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than byelaws made under

Part IV (Omnibuses and tramways) or Part V (Electricity) thereof Provided that in the application of the said provisions to byelaws made under the sections of this Act of which the respective marginal notes are "Byelaws as to bicycles &c. on certain paths" and "Certificates to city guides" the same shall have effect with the substitution of the Secretary of State for the Minister as the confirming authority and in such application to byelaws made under the section of this Act of which the marginal note is "As to personal weighing machines" the same shall have effect with the substitution of the Board of Trade for the Minister as the confirming authority.

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

Evidence
of appoint-
ments
authority
&c.

252.—(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 city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

Authentica-
tion and
service of
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the city 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

A.D. 1929. 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.

Breach of conditions of consent of Corporation.

253. Where under this Act or under any general or local Act for the time being in force in the city the Corporation 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.

Consents of Corporation to be in writing.

254. All consents given by the Corporation under the provisions of this Act or of any local Act Order bye-law or regulation for the time being in force within the city shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Apportionment of expenses in case of joint owners.

255. Where under the provisions of this Act or any local Act in force in the city the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages and charges to be settled by court.

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

Recovery of demands.

257. 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. A.D. 1929. —

258. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts X XI and XII of this Act or the section of this Act of which the marginal note is "Certificates to city guides" 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 Corporation may in like manner appeal. As to appeals.

259. 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 city 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. Several sums in one summons.

260.—(1) Any committee appointed by the council under the Municipal Corporations Acts or any local Act or Order confirmed by or having the force of an Act of Parliament shall if the council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875 Provided that the provisions of this section shall not affect the powers of the watch committee appointed under section 190 of the Municipal Corporations Act 1882 acting as police authority for the city. Committees of council.

(2) So much of section 22 of the Municipal Corporations Act 1882 as is inconsistent with subsection (1) of this section shall cease to apply to the Corporation.

261. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer Informations by whom to be laid.

A.D. 1929. — of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the city.

Recovery
of penalties
&c.

262. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Compensa-
tion how to
be deter-
mined.

263. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Inquiries
by Minister
of Trans-
port.

264. 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 the Corporation 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."

Powers of
Act cumu-
lative.

265. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

266. 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.

A.D. 1929.

—
Saving for
indictments
&c.

267. 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 sec-
tion 265
of Public
Health Act
1875.

268. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges not
disqualified.

269. The following provisions of the Act of 1845 the Act of 1884 and the Act of 1901 are hereby repealed:—

Repeal.

The Act of 1845—

Section 215 (Application of tolls).

The Act of 1884—

Section 174 (Height of dwelling-houses in new streets);

Section 175 (Measurement of height of dwelling-houses).

The Act of 1901—

Section 73 (Deficiency in revenue of tramway undertaking);

Section 74 (Separate accounts to be kept);

Section 80 (Power to supply electrical energy in bulk).

270. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any

Crown
rights.

A.D. 1929. — river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of
Act.

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

The SCHEDULES referred to in the foregoing Act.

A.D. 1929.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Numbers on deposited plan.
City of Chester	- - 1 7 9 to 27 (inclusive) 29 30 34 38.

THE SECOND SCHEDULE.

MAXIMUM CHARGES IN RESPECT OF REGISTRATION OF PLEASURE BOATS.

Pleasure boat (other than a launch or house-boat)—	£	s.	d.
(a) not plying for hire - - - - -	0	2	6
(b) plying for hire licensed by the Corporation under section 150 of the Act of 1884—			
to carry not more than two persons -	0	2	6
to carry not more than three persons -	0	3	0
and for every additional person which the boat is licensed by the Corporation to carry an additional sum of	0	1	0
Launch not plying for hire—			
Not exceeding 20 feet in length - - - - -	2	0	0
Exceeding 20 feet but not exceeding 30 feet in length - - - - -	3	0	0
Exceeding 30 feet but not exceeding 40 feet in length - - - - -	4	0	0
Exceeding 40 feet but not exceeding 50 feet in length - - - - -	5	0	0
Exceeding 50 feet in length - - - - -	6	0	0

A.D. 1929. Launch plying for hire licensed by the Corporation £ s. d.
— under the provisions of section 150 of the Act of
1884—

For every person (exclusive of crew) which
such launch is licensed to carry - - 0 1 6

House-boat—

Not exceeding 30 feet in length - - - 10 0 0

Exceeding 30 feet in length - - - 10 0 0 and
in addition 1 0 0 for
each 5 feet by which the
length thereof exceeds 30 feet
and for the purpose of this
provision a fraction of 5 feet
shall be deemed to be 5 feet.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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

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