

[20 & 21 GEO. 5.]

*Cardiff*  
*Corporation Act, 1930.*

[Ch. clxxiv.]



## CHAPTER clxxiv.

An Act to empower the lord mayor aldermen and citizens of the city of Cardiff to construct water-works and execute street improvements and to acquire lands for those and other purposes to confer upon them further powers with reference to their water tramway and omnibus undertakings to make further provision for the improvement health and good government of the city and for other purposes. [1st August 1930.]

A.D. 1930.

**W**HEREAS the city of Cardiff (in this Act called "the city") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council are the urban sanitary authority and the burial board for the city and are also the port sanitary authority for the port sanitary district of Cardiff:

And whereas the several local Acts and Provisional Orders confirmed by Parliament mentioned in the First Schedule to this Act are (save so far as any of them is amended by any later Act or Order among the same) in force within the city which Acts and Orders are in this Act collectively referred to as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed or made:

[Price 4s. Net.]

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And whereas the Corporation are the owners of the water undertaking of the city and under the provisions of certain of the former Acts supply water in the city and certain parishes and places adjacent thereto in the county of Glamorgan :

And whereas it is expedient that the Corporation should be empowered to construct the waterworks described in this Act and that the limits for the supply of water by them should be extended by the addition thereto of certain areas adjoining those limits as now defined and that such further powers with reference to the said water undertaking as are contained in this Act should be conferred upon the Corporation :

And whereas it is expedient that the Corporation should be empowered to execute the street works in the city described in this Act :

And whereas it is expedient that the Corporation should be authorised to acquire lands for the purposes of the said waterworks and street works and for purposes of their water undertaking and for other purposes :

And whereas by the Act of 1920 the Corporation were empowered to provide and run omnibuses within the city and elsewhere and it is expedient that the further powers contained in this Act with reference to the omnibus undertaking so authorised should be conferred upon the Corporation :

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

And whereas at some date prior to the passing of the Cardiff and Penarth Road Act 1867 (hereinafter referred to as " the Act of 1867 ") the trustees of the Bute Estate and the trustees of the Windsor Estate constructed a road extending from Cardiff to Penarth in the county of Glamorgan with bridges carrying the same over the river Taff and the river Ely which road is partly in the city and partly in the urban district of Penarth and pursuant to the Act of 1867 is open to the public upon the payment of the tolls authorised by that Act :

And whereas it is expedient that the Corporation should be empowered to acquire the undertaking to which the Act of 1867 applies and that the provisions contained in this Act with respect to that undertaking should be enacted :

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And whereas by the Act of 1920 provision was made for the establishment of a superannuation fund and the payment thereof of superannuation allowances to officers and servants of the Corporation and it is expedient that the said provisions should be amended and extended as provided by this Act :

And whereas it is expedient that the Corporation should be empowered to establish a municipal bank :

And whereas it is expedient that the provisions with regard to the finances of the Corporation which are contained in this Act should be made and that the Corporation should be empowered to borrow money for the various purposes of this Act :

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

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

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

	£
For the purchase of lands - - -	53,400
For the construction of waterworks -	13,500
For the execution of street works -	6,070

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

And whereas plans and sections showing the lines or situations and levels of the works by this Act authorised and plans showing the lands which the Corporation may acquire under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the respective clerks of the peace for the counties of Brecknock and Glamorgan which

A.D. 1930. — plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

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

## PART I.

### PRELIMINARY.

Short title.       **1.** This Act may be cited as the Cardiff Corporation Act 1930.

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

- Part    I.—Preliminary.
- Part    II.—Water.
- Part    III.—Street works.
- Part    IV.—Lands.
- Part    V.—Electricity.
- Part    VI.—Omnibuses and tramways.
- Part    VII.—Cardiff and Penarth road.
- Part    VIII.—Streets and buildings.
- Part    IX.—Sanitary and public health.
- Part    X.—Human food.
- Part    XI.—Employment agencies.
- Part    XII.—Superannuation.
- Part    XIII.—Savings bank.
- Part    XIV.—Finance.
- Part    XV.—Miscellaneous.

Incorporation of Acts.       **3.** The following Acts and parts of 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 (that is to say):— A.D. 1930.

(1) The Lands Clauses Acts with the following exception and modification (namely):—

(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:

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863:

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and also section 16 (Works to be executed) of that Act:

Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 “the Company” shall mean the Corporation and “the railway” shall mean the waterworks and the street works authorised by this Act and “the centre of the railway” shall mean the centre lines of the said works respectively or the lines along which the sections thereof are taken (as the case may be) as shown on the deposited plans of the said waterworks and street works.

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 Interpretation.

A.D. 1930. Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

“The city” means the city and county borough of Cardiff;

“The Corporation” means the lord mayor aldermen and citizens of the city acting by the council of the city;

“The town clerk” “the treasurer” “the medical officer” “the engineer” and “the sanitary inspector” mean respectively the town clerk the treasurer the medical officer of health the engineer 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 Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

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

“The waterworks” means the waterworks by this Act authorised;

“The water undertaking” means the water undertaking of the Corporation as authorised by the former Acts and by this Act;

“Water revenue” means all moneys received by the Corporation in respect of the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“ The street works ” means the street widenings and improvements by this Act authorised or any part thereof; A.D. 1930.  
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“ The electricity undertaking ” means the electricity undertaking of the Corporation as authorised by the former Acts and by this Act;

“ The tramway undertaking ” means the tramway undertaking of the Corporation as authorised by the former Acts and by this Act;

“ Tramway revenue ” means all moneys received for or in relation to the tramway undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“ The omnibus undertaking ” means the omnibus undertaking of the Corporation authorised by the Act of 1920 and by this Act;

“ Omnibus revenue ” means all moneys received for or in relation to the omnibus undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“ 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;

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

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

“ 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

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to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

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

## PART II.

## WATER.

Power to  
make water-  
works.

5. Subject to the provisions of this Act the Corporation may in the lines or situations and according to the levels shown on the deposited plans and sections make and maintain the following works in the county borough of Merthyr Tydfil in the county of Glamorgan (that is to say) :—

Work No. 1 A relieving tank (to be called the “Tremdeg” relieving tank) in the enclosure numbered 2575 on the  $\frac{1}{2500}$  Ordnance map (edition of 1904) Glamorgan sheet XIX. 15;

Work No. 2 An aqueduct or line or lines of pipes commencing by a junction with the existing aqueduct (Work No. 4) authorised by the Act of 1920 near the north-eastern corner of the said enclosure numbered 2575 and terminating in the said relieving tank (Work No. 1).



In addition to the foregoing works the Corporation may within the limits of deviation shown on the deposited plans relating to those works make and maintain all such cuts channels catchwaters adits pipes conduits culverts drains sluices by-washes discharge pipes shafts wells bores water-towers overflows waste-water channels gauges filter-beds tanks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them.

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**6.** In the construction of the waterworks the Corporation may deviate from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and they may also deviate vertically from the levels of the waterworks shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

Power to deviate in constructing waterworks.

**7.**—(1) For the purpose of constructing enlarging extending repairing cleansing or examining either of the waterworks or any works in connection therewith the Corporation may cause the water in any such work to be temporarily discharged into any available stream or watercourse Provided that any water so discharged shall be as free as may be reasonably practicable from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of such compensation to be determined in default of agreement by arbitration.

**8.** Subject to the provisions of this Act the waterworks shall for all purposes whatsoever (inclusive of water rents rates and charges) be deemed part of the water undertaking as if such works had been authorised by or included or referred to in the former Acts.

Waterworks to form part of water undertaking.

**9.** The Corporation shall abandon the construction of the relieving tank (Work No. 7) authorised by the Act of 1920.

Abandonment of Work No. 7 authorised by Act of 1920.

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Extension  
of water  
limits.

**10.**—(1) From and after the first day of April one thousand nine hundred and thirty-one the limits of the Corporation for the supply of water shall extend to and include the areas in the rural district of Cardiff in the county of Glamorgan which comprise the parish of Lavernock and such parts of the parishes of Michaelston-le-Pit and St. Fagans as are not already included within the said limits and the Corporation may exercise within the said parish and parts of parishes the same powers as they are authorised to exercise under the Acts and Orders relating to their water undertaking and shall be subject to the same obligations as they are subject to in respect of water supply under the said Acts and Orders.

(2) As from the said date the agreement made between the Corporation and the Cardiff Rural District Council (in this section referred to as "the council") dated the twenty-sixth day of October one thousand nine hundred and twenty-two relating to the supply of water in bulk for distribution in the said parish of Lavernock shall cease and determine.

(3) On the said date the Corporation shall purchase and the council shall sell for the sum of four hundred pounds the mains plant meters fittings and apparatus belonging to the council and used by them for and in connection with the supply of water in the said parish of Lavernock subject to the terms and conditions on which the same are held by the council. The said sum shall be credited to the general rate fund of the council.

Prohibition  
of burials in  
St. Mary's  
Burial  
Ground  
Nantddu.

**11.**—(1) From and after the expiration of six months from the passing of this Act no burials shall take place in the burial ground of St. Mary Nantddu in the parish of Cantref in the rural district of Brecknock in the county of Brecknock or any extension thereof or addition thereto.

(2) The Corporation shall make compensation to any person injuriously affected by the provisions of this section provided that he submits his claim to the Corporation in writing within twelve months from the date of the passing of this Act and the amount of such compensation shall in default of agreement be determined by arbitration in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

(3) The Corporation shall before the expiration of the period of six months referred to in subsection (1) of

this section or such further period as may be necessary in consequence of any such arbitration as is hereinafter referred to grant to the owners of the said burial ground a substituted site for use as a burial ground or provide such suitable and sufficient facilities for the interment of persons entitled to be interred in the said burial ground as may be agreed between the Corporation and the said owners or as failing agreement shall be settled by arbitration under the provisions of the section of this Act of which the marginal note is "Arbitration" Provided that for the purposes of this section the President of the Surveyors' Institution shall be substituted for the President of the Institution of Civil Engineers in the said section of this Act.

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(4) The Corporation shall within one month after the passing of this Act cause public notice of the effect of the provisions of this section to be given in some newspaper or newspapers circulating in the county of Brecknock.

**12.**—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

Supply to  
houses  
partly used  
for trade  
&c.

(a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier or by a sub-tenant or sub-tenants for any trade business or manufacturing purpose for which water is required; or

(b) any public institution or any public or private poor law institution hospital asylum sanatorium or nursing home; or

(c) any school club hotel assembly hall restaurant public house inn or common lodging house; or

(d) any boarding house or lodging house capable of accommodating twenty or more persons including the persons usually resident therein.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the rates for the time being in force.

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount

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which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

Houses to have separate communication pipes.

**13.**—(1) From and after the passing of this Act the Corporation shall not be bound to supply water to more than one house or building by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or building supplied by them with water.

(2) If the owner of any house or building supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house or building the Corporation may themselves do the work necessary in that behalf and may (subject as hereinafter provided) recover from such owner summarily as a civil debt the cost incurred by them in so doing.

(3) Nothing in this section shall affect the operation of section 44 of the Cardiff Waterworks Act 1853 (which section relates to communication pipes and other works laid under ground dedicated to the public use) and the owner or occupier of any house or building shall not be required under the provisions of this section to pay any part of the cost of the provision of any such separate pipe as aforesaid except so far as such pipe is laid on the premises of the owner or occupier.

Extension of powers for preventing waste &c. of water.

**14.**—(1) The power of making regulations conferred by section 35 (Regulations for preventing waste &c. of water) of the Act of 1878 shall extend to enable the Corporation to make regulations as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping and requiring any person employed in or about the erection alteration or repair of any pipes or fittings to be used for the conveyance reception storage or delivery of water supplied by the Corporation to give notice thereof to the Corporation as soon as practicable (specifying also the premises affected by such work) and to submit to the Corporation for testing and stamping the valves or other apparatus to be used in connection with such pipes or fittings.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

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## PART III.

## STREET WORKS.

**15.** Subject to the provisions of this Act the Corporation may in the lines or situations and according to the levels shown on the deposited plans and sections execute the street works in the city hereinafter described (that is to say) :—

Power to  
execute  
street  
works.

Widening No. 1 A widening of Mill Road on the southern side thereof between a point opposite the eastern boundary of the premises numbered 7 in Mill Road and a point opposite the western boundary of the premises numbered 39A in Mill Road;

Widening No. 2 A widening of Mill Road on the northern side thereof between points opposite the eastern boundaries of the premises respectively numbered 26 and 46 in Mill Road;

Widening No. 3 A widening of Mill Road on the southern side thereof between a point opposite the north-easternmost corner of the premises numbered 41 in Mill Road and a point opposite the western boundary of the premises numbered 103 in Mill Road;

Widening No. 4 A widening of Mill Road on the northern side thereof between a point opposite the north-easternmost corner of the said premises numbered 41 in Mill Road and a point opposite the western boundary of the premises numbered 72 in Mill Road;

Widening No. 5 A widening of Mill Road on the northern side thereof between points opposite the eastern boundaries of the premises respectively numbered 96 and 102 in Mill Road.

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Power to  
deviate in  
executing  
street  
works.

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

Subsidiary  
works.

**17.**—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street works and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the street works or of crossing under or over the same or otherwise and may alter and remove any drinking-troughs lamp-posts railings refuges or other structures erected upon any street or land within the said limits and may raise sink alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not raise sink alter divert 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.

Power to  
alter steps  
pipes areas  
&c.

**18.** 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.

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

Temporary  
stoppage of  
streets.

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

(3) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company.

**20.** All building or other materials of houses and buildings acquired under the powers of this Act and all lamp-posts paving metalling and other materials in or under any street or part of a street altered or diverted and all materials obtained in the alteration of or interference with any sewer drain channel gas or water main or pipe wire or apparatus shall by virtue of this Act vest in the Corporation who may appropriate and use or sell or dispose of the same or any of them.

Vesting and  
disposal of  
materials.

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

Under-  
pinning of  
houses near  
street  
works.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

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



been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

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

22. Subject to the provisions of this Act the Corporation may—

Carriageway  
footway  
sewers and  
other works.

- (a) cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper;
- (b) lay out enclose and maintain as gardens or open spaces any lands for the time being belonging to them (including the site of any portion of an existing street stopped up under the powers of this Act) adjacent to any of the street works; and
- (c) upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

23. If the street works are not completed on or before the first day of October one thousand nine hundred and thirty-seven then as from that date the powers by

Period for  
completion  
of street  
works.

A.D. 1930. — this Act granted for the execution and construction of the said works shall cease except as to so much thereof respectively as shall then be completed.

For protec-  
tion of  
Cardiff Gas  
Light and  
Coke Com-  
pany.

24. For the protection of the Cardiff Gas Light and Coke Company (hereinafter in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say) :—

- (1) Before commencing any works by this Act authorised in or under any street in or under which any mains pipes syphons tubes or other apparatus (hereinafter together called "apparatus") of the company are situate the Corporation shall deliver to the company plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and (except in the case of emergency) a notice stating the date when it is proposed to commence such works and such plans sections description and notice shall be delivered to the company at least twenty-eight days before the commencement of any such works :
- (2) If it should appear to the company that such works will interfere with or endanger any of their apparatus or impede the supply of gas the company may give notice to the Corporation to remove divert raise lower or otherwise alter the position of such apparatus or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such removal diversion raising lowering alteration support substitution laying or placing cement concrete or other like substance shall be settled as hereinafter provided and all such works shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence (if given) of the engineer of the company and the reasonable costs charges and expenses of such superintendence shall be paid by the Corporation

Provided that if the company by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such works affecting the said apparatus so require the company may by their own engineer or workmen do and execute such works so far as they interfere with or affect the apparatus of the company and the Corporation shall on completion thereof pay to the company the reasonable expenses incurred by them in the execution thereof : A.D. 1930.

- (3) In the event of such plans sections and description so delivered to the company as aforesaid not being objected to within fourteen days the said works shall be executed in strict accordance therewith :
- (4) If the Corporation under any of the powers of this Act take any apparatus belonging to the company in any streets highways roads footpaths lanes courts passages and other places within the limits shown on the deposited plans which is now used by the company for supplying gas to such streets highways roads footpaths lanes courts passages and other places or where by reason or in consequence of the exercise of any of the powers of this Act any apparatus of the company is rendered derelict or unnecessary the Corporation shall pay to the company the value of such apparatus and the same shall thereupon become the property of the Corporation and the Corporation shall also pay to the company their reasonable charges of removing or altering any of their apparatus in immediate communication therewith which the works of the Corporation shall render useless or which shall require to be altered :
- (5) If any interruption in the supply of gas by the company shall be in any way occasioned by the Corporation or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Corporation shall forfeit

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and pay to the company for the use and benefit of the company a sum not exceeding ten pounds for every day during which such interruption shall continue :

- (6) The expense of all repairs or renewals of any apparatus of the company or any works in connection therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the works of the Corporation whether during the construction of the said works or at any time within twelve months thereafter shall be borne and paid by the Corporation and may be recovered against the Corporation by the company in any court of competent jurisdiction :
- (7) Whenever the Corporation shall in varying the relative widths of the carriageway and footway or footways in any street under the powers of the section of this Act of which the marginal note is "Power to vary width of carriageways and footways" add to the carriageway any portion of any footway in which there is any apparatus of the company the company may lower the apparatus so that its depth below the surface of the carriageway or footway shall not exceed three feet measured from the upper side of the apparatus and the Corporation shall on demand repay to the company the expenses reasonably incurred by them in so doing :
- (8) If any difference shall arise with respect to any matter under this section between the Corporation and the company or their respective engineers or concerning any plans sections or description to be delivered to the company under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

## PART IV.

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## LANDS.

**25.** Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the street works or for the provision of space for the erection of houses or buildings adjoining or near to the street works or for providing substituted sites or facilities or for the purposes of recoupment or for other purposes of this Act.

Power to  
acquire  
lands com-  
pulsorily.

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

Extension of  
powers of  
purchasing  
lands by  
agreement.

**27.**—(1) Subject to the provisions of this Act the Corporation may enter upon take and hold the lands respectively described in Parts I II III and IV of the Second Schedule to this Act which are delineated on the deposited plans and described in the deposited book of reference.

Power to  
acquire  
additional  
lands for  
various  
purposes.

(2) The Corporation may hold and use—

- (a) the lands described in Part I of the said Second Schedule for the purpose of protecting the waterworks and water supply of the Corporation against pollution contamination or fouling or for any other purpose of or in connection with their waterworks or the water undertaking;
- (b) the lands described in Part II of the said Second Schedule for the purposes of a depot or for any other purpose of or in connection with the water undertaking;
- (c) the lands described in Part III of the said Second Schedule for the purpose of an access road in connection with other lands adjacent thereto and belonging to the Corporation;

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(d) the lands described in Part IV of the said Second Schedule for the purposes of an aerodrome and of allotments and of refuse disposal and (subject to the provisions of the Public Health Acts 1875 to 1925) of public walks or pleasure grounds or for any one or more of those purposes.

Correction  
of errors  
in deposited  
plans and  
book of  
reference.

**28.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county in which the lands are situate for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the town clerk and with the clerk of the district council and clerk or chairman of the parish council of the district and parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk or clerks or chairmen of councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Owners may  
be required  
to sell parts  
only of cer-  
tain lands  
and build-  
ings.

**29.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties

without material detriment thereto therefore the following provisions shall have effect :—

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- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third 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 included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determines that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner

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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 by severance or otherwise as shall be awarded by the tribunal :

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



The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845. A.D. 1930.

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

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

**31.** In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the street works or any of them or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money. Benefits to be set off against compensation.

**32.** The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to Power to Corporation to make agreements with owners of property &c.

A.D. 1930. — the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the street works) 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 property required by the Corporation for the purposes of this Act.

Limit of time for compulsory purchase of lands.

**33.** The powers of the Corporation for the compulsory purchase of lands under the powers of this Act shall cease on the first day of October one thousand nine hundred and thirty-five.

Extinction of private rights of way.

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

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

Retention and disposal of lands.

**35.**—(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 :

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

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

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

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

Reservation  
of ease-  
ments &c.

**37.**—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may (so far as they consider necessary) apply any capital

Proceeds of  
sale of  
surplus  
lands.

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— moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of 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 and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

(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 exerciseable under the provisions of 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.

Powers with reference to leases of surplus lands.

**38.**—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

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

**39.** For the protection of Mountjoy Limited its successors or assigns (all of whom are hereinafter deemed to be included in the expression "Mountjoy Limited") the following provisions notwithstanding anything contained in this Act or in any Act incorporated therewith shall (except as may be otherwise agreed in writing between the Corporation and such of the persons for the time being constituting Mountjoy Limited as may be concerned) apply and have effect (that is to say):—

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For protec-  
tion of  
Mountjoy  
Limited.

- (a) Before the Corporation in any way interfere with the private railway siding situate at Blackweir which is used as a siding to the Bute workshops North Road (being No. 87 on the deposited plans and in the book of reference in the city of Cardiff) or the use thereof by Mountjoy Limited the Corporation shall at their own expense make arrangements with the Great Western Railway Company for and cause to be constructed a siding with the necessary junction points and appliances from the Great Western Railway to the Bute workshops in as convenient a position (as far as possible) as the present siding. Provided always that if the cost of maintaining such junction and siding payable by Mountjoy Limited shall exceed the cost paid by Mountjoy Limited to the Great Western Railway Company in respect of the present siding such extra cost shall be compounded for by the payment of a capital sum by the Corporation to Mountjoy Limited;
- (b) For the period of twenty years from the date of the passing of this Act the Corporation shall not erect or permit or suffer to be erected any building erection or structure of a permanent character upon so much of the lands described in Part II of the Second Schedule to this Act as lies north-west of the line shown between the letters "A" and "B" on the plan signed in triplicate by Thomas Cape the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office House of Lords and with the Corporation;

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(c) The Corporation shall not acquire the freehold interest in the strip of land eighteen feet or thereabouts in width extending in a north-westerly direction from Rhyd-y-Penau Road described in Part III of the Second Schedule to this Act but shall subject to the payment of such compensation as may failing agreement be determined under the provisions of the Lands Clauses Acts and to such conditions as may be agreed upon or settled by arbitration under the provisions of those Acts acquire an easement for the purpose of an access road only to the lands Nos. 88 and part of 89 on the deposited plans and book of reference in the city of Cardiff and of the laying in the said land of water mains and pipes and drains.

In the event of the Corporation acquiring such easement the Corporation shall before exercising any rights in respect of the same erect and shall always thereafter maintain for the use and benefit of Mountjoy Limited and its tenants so long as Mountjoy Limited may desire the same farm gates at each end of the said easement to be of the height of five feet and to be of such reasonable materials as Mountjoy Limited shall approve and the Corporation shall and will cause such gates to be kept closed except when in actual use.

For protection of Great Western Railway Company with reference to lands.

40. For the protection of the Great Western Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) The Corporation shall not under the powers of this Act enter upon take or use any of the lands described in Part IV of the Second Schedule to this Act west of the red lines marked A B and C D respectively upon the plan signed by Thomas Cape the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Committee and Private Bill Office of the House

of Commons and one copy has been deposited in the Parliament Office of the House of Lords):

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- (2) If the Corporation acquire the lands shown coloured green on the said plan they shall upon receiving notice in writing from the company within ten years of the passing of this Act of their desire to purchase the same sell the said lands to the company at such price as may be mutually agreed between the Corporation and the company or in default of agreement determined by a single arbitrator to be appointed at the request in writing of either of the parties after notice to the other by the President of the Surveyors' Institution and subject thereto the provisions of the Arbitration Act 1889 shall apply.

## PART V.

### ELECTRICITY.

41.—(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 or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with.

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

(3) This section and any byelaws made thereunder shall not apply to any building or premises (other than a dwelling-house) belonging to or used by a railway company for the purposes of their railway or docks or forming part of any station dock or goods depot of such company.

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Use of  
separate  
electricity  
transformer.

42. 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.

Further  
powers as  
to entry  
upon pre-  
mises.

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

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he be unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

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

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway



or canal company for the purposes of their railway docks or canal or forming part of any station dock or goods depot of such company. A.D. 1930.  
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**44.** 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 lent 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: Powers to cut off supplies where charges remain unpaid.

Provided that the powers of this section shall not apply to any agreement made between the Corporation and any railway company.

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

## PART VI.

### OMNIBUSES AND TRAMWAYS.

**46.**—(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 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. Restricting running of omnibuses in competition.

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(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 the 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—

(a) 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;

(b) 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;

(c) 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 and binding on the parties affected thereby and not subject to appeal to any court and shall on the application of the said Minister or the Corporation be enforceable by writ of mandamus.

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(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 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 route in competition with a protected route if the omnibus was on the thirtieth day of November one thousand nine hundred and twenty-nine in use in connection with a service which was on that date being operated on and has since that date been regularly in operation on such 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; or

(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 excepting as regards an omnibus running on any service on the thirtieth day of November one thousand nine hundred and twenty-nine which was not on that date subject to such a condition.

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—  
Power to  
provide  
depots &c.  
for tramcars  
and omni-  
buses.

**47.**—(1) The Corporation may purchase by agreement take on lease or appropriate and may hold lands and buildings and may erect or adapt on any lands so purchased taken on lease or appropriated tramcar 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 tramcars and omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(2) Section 85 (Corporation may provide buildings &c.) of the Act of 1920 is hereby repealed.

(3) Nothing in this section shall exempt the Corporation from the provisions of any Act of Parliament passed or to be passed or of any order byelaw regulation or scheme made or to be made thereunder.

## PART VII.

## CARDIFF AND PENARTH ROAD.

Definitions  
in Part VII  
of Act.

**48.** In this Part of this Act unless the context otherwise requires—

“The Act of 1867” means the Cardiff and Penarth Road Act 1867;

“The road” means the Cardiff and Penarth road and the bridges carrying that road over the river Taff and the river Ely as set out and delineated on the plan signed in triplicate by Thomas Cape the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons in the Parliament Office House of Lords and with the town clerk at his office);

“The owners” means the persons immediately before the passing of this Act entitled under the provisions of the Act of 1867 to the tolls by that Act authorised to be taken for the use of the road and includes their respective successors in title as owners for the time being of property adjoining the road;

“The undertaking” means the undertaking to which the Act of 1867 relates and includes the road and all roads bridges lands buildings property rights powers privileges exemptions and interests of every description vested in or exerciseable or enjoyed by the owners under or by virtue of the Act of 1867 or in connection with the said undertaking howsoever the same may have been acquired or are held used exercised or enjoyed;

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“The county council” means the council of the administrative county of Glamorgan;

“The Penarth Council” means the Penarth Urban District Council;

“The council” means the authority (whether the Penarth Council or the county council) in whom such part of the road as is within the urban district of Penarth may for the time being be vested as mentioned in paragraph (3) of the section of this Act of which the marginal note is “Discontinuance of tolls”;

“The Barry Council” means the Barry Urban District Council.

**49.**—(1) If so required by notice in writing addressed by the Corporation to the owners on or at any time before the first day of October one thousand nine hundred and thirty-three the owners shall sell to the Corporation and the Corporation shall purchase the undertaking for such price or consideration and upon and subject to such terms and conditions as may be agreed between the owners and the Corporation or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts and those provisions shall apply as if the undertaking were land which the Corporation are authorised to acquire compulsorily.

Acquisition  
of under-  
taking.

(2) If such notice in writing as aforesaid be not given by the Corporation on or before the said date the powers by this Part of this Act conferred upon them shall cease and determine.

**50.**—(1) Subject to the provisions of this Part of this Act the undertaking shall by virtue of this Act vest in the Corporation on the quarter day next occurring after

Under-  
taking to  
vest in  
Corporation

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—  
on deter-  
mination of  
purchase  
money.

the amount of the price or consideration has been determined either by agreement or by arbitration in pursuance of this Part of this Act and such day is in this Part of this Act referred to as "the day of transfer."

(2) If the said price or consideration is not paid by the Corporation to the owners on or before the day of transfer the Corporation shall pay to the owners interest thereon at the rate of five per centum per annum from the day of transfer until the date of payment of the said price or consideration.

Owners to  
be entitled  
to receipts  
and to pay  
outgoings  
until  
transfer.

**51.**—(1) The owners shall be entitled to all tolls rents profits and sums of money accrued due in respect of the undertaking up to the day of transfer (other than such as represent sums paid in advance in respect of any period after the day of transfer) and shall discharge all liabilities and outgoings up to that day.

(2) As from the day of transfer all liabilities and outgoings incurred after that day shall be borne and paid by the Corporation who shall be entitled as from that day to all tolls rents profits and sums of money in respect of the undertaking.

Application  
of Act of  
1867.

**52.**—(1) As from the day of transfer the provisions of the Act of 1867 mentioned in subsection (2) of this section so far as they relate to the road shall with all necessary modifications and with the substitution of references to the Corporation for the references in the said provisions or any of them to the trustees of the two estates as defined by that Act continue to apply and have effect.

(2) The provisions of the Act of 1867 referred to in subsection (1) of this section are the following:—

Section 10 (Tolls in Second Schedule);

Section 11 (Exemption from toll);

Section 12 (Power to stop persons refusing to pay toll &c.) except the provisions thereof relating to seizure and distress;

Section 13 (Penalty for evading toll) except so much thereof as relates to assaults on collectors or persons employed in the collection of tolls;

- Section 15 (Appointment of managers); A.D. 1930.  
 Section 16 (Powers and duties of managers);  
 Section 25 (Saving agreement with Penarth  
 Company);  
 Section 26 (Saving rights of the Crown in the  
 foreshore);  
 Section 28 (Nothing to affect agreement with  
 trustees of the Bute Estate and  
 Colonel Wood);  
 Section 29 (Nothing to affect lease to E. Vachell);  
 and

The Second Schedule :

Provided that the exemption for officers of custom contained in the said section 10 shall extend and apply to any police officer acting in the execution of his duty.

(3) As from the day of transfer the provisions of the Act of 1867 other than those mentioned in subsection (2) of this section shall cease to have effect.

**53.** As from the day of transfer the tolls to be demanded and taken by the Corporation under the powers of this Part of this Act shall be paid to such persons and at such places and in such manner as the Corporation shall appoint and the Corporation may recover any unpaid tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction. Taking and recovery of tolls.

**54.—**(1) The Corporation the county council the Penarth Council and the Barry Council or any two or more of them may enter into and carry into effect agreements for or with respect to the payment of or the making of contributions towards any purchase money or compensation payable by the Corporation under the provisions of this Part of this Act. Agreements between Corporation and other authorities.

(2) The Corporation the Penarth Council and the county council or any two of them may enter into and carry into effect agreements for or with respect to the maintenance and repair of the road or any part thereof and the payment of or the making of contributions towards the cost of such maintenance and repair.

(3) Any agreement to which the Corporation are a party entered into under the provisions of this section may provide for the payment to the parties thereto or

A.D. 1930. — any of them of a proportion of the income derived from the undertaking by way of tolls or for the apportionment of such income among such parties or any of them and for or with respect to the collection recovery and payment of such income or any part thereof.

(4) All expenses incurred by the county council or the Penarth Council or the Barry Council under or for the purposes of any agreement entered into under the provisions of this section so far as such expenses cannot be defrayed out of any grant made for the purpose by the Minister of Transport or out of any moneys received by such councils respectively pursuant to any such agreement shall be defrayed as expenses incurred by such councils respectively as highway authorities and the enactments relating to expenses so incurred (including the provisions thereof as to the borrowing of money and the repayment of money borrowed) shall apply accordingly.

Application  
of tolls.

**55.**—(1) All moneys received in any year in respect of tolls by the Corporation or the county council or the Penarth Council or the Barry Council (each of whom is in this section referred to as “the authority”) under the provisions of this Part of this Act or of any agreement entered into under the section of this Act of which the marginal note is “Agreements between Corporation and other authorities” shall be applied by the authority as follows :—

First in or towards payment of the cost (if any) incurred by the authority in that year in collecting the tolls and managing the undertaking;

Secondly in or towards payment of the cost (if any) incurred by the authority in that year in maintaining and repairing the road;

Thirdly in or towards payment of the interest on and making provision for the repayment of any moneys borrowed by the authority for the purposes of this Part of this Act or of any such agreement; and

Fourthly in or towards making good any deficiency in any previous year due to the net proceeds of the tolls collected in that year being insufficient to make all or any of the payments aforesaid.



(2) Any balance of the moneys received by the authority as aforesaid in any year remaining after complying with the provisions of subsection (1) of this section shall be applied by them (if they think fit) in or towards the repayment of any moneys borrowed as aforesaid and for the time being outstanding and (if and so far as not so applied) shall—

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- (a) in the case of the Corporation be carried to the credit of the general rate fund;
- (b) in the case of the county council be carried to the credit of the county fund of the county of Glamorgan; and
- (c) in the case of the Penarth Council or the Barry Council be carried to the credit of the general rate fund of their respective districts.

**56.** Subject to the provisions of any agreement to which the Corporation are a party entered into under the section of this Act of which the marginal note is “Agreements between Corporation and other authorities” the Corporation may at any time after the day of transfer by resolution determine to discontinue the taking of tolls in respect of the road and shall advertise notice of the passing of any such resolution in a newspaper circulating in the county of Glamorgan and as from the date named in such resolution for the discontinuance of the taking of tolls the following provisions shall have effect (namely):—

Discon-  
tinuance of  
tolls.

- (1) The provisions of the Act of 1867 which are mentioned in subsection (2) of the section of this Act of which the marginal note is “Application of Act of 1867” (other than sections 25 26 28 and 29 of the Act of 1867) so far as they respectively relate to the road shall be and are hereby repealed:
- (2) So much of the road and the soil thereof as is within the city together with the bridges carrying the road over the river Taff and over the river Ely and the portions of the road and the soil thereof upon the said bridges shall continue to be vested in and maintainable by the Corporation:
- (3) So much of the road and the soil thereof as is within the urban district of Penarth (elsewhere than on the said bridge carrying the road over

A.D. 1930.  
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the river Ely) shall subject to the provisions of the Local Government Act 1929 as to the transfer to and vesting in county councils of roads becoming classified roads (which provisions shall apply to the said portion of the road and the soil thereof) be vested in and maintainable by the Penarth Council.

Tolls in respect of omnibuses of Corporation.

**57.** If and so long as the Corporation continue to take tolls under the powers of this Part of this Act they shall pay in respect of any omnibuses run by them along the road or any part thereof the like tolls as are for the time being payable in respect of the omnibuses of other proprietors.

For protection of owners:

**58.** For the protection of the owners the following provisions shall unless otherwise agreed in writing between the owners on the one hand and the Corporation or the council (as the case may be) on the other hand have effect as from the day of transfer (that is to say) :—

- (1) Notwithstanding the vesting in the Corporation of the undertaking under the provisions of this Part of this Act the Corporation shall not acquire under the powers of this Act nor be deemed to have acquired by virtue of this Act the property of the owners in the subsoil over which the road passes (other than the bridges carrying the road over the river Taff and over the river Ely) :
- (2) The Corporation or the council (as the case may be) shall maintain the existing retaining walls near Cogan Pill House and also the accommodation bridge crossing over the road near Cogan Pill House Provided that the Corporation or the council (as the case may be) may and the council (if the Corporation so require and pay the expense thereof) shall raise alter or reconstruct such walls or bridge in accordance with plans sections and particulars to be submitted to and reasonably approved by Mountjoy Limited and shall afterwards maintain the same :
- (3) Subject to the provisions of public statutes and local byelaws the owners may make roads and

streets communicating with the road The owners may lay down under across or along and (in accordance with the provisions of the next following subsection) over (but not on the level of) the road pipes cables tubes or wires for drainage gas water or electric communication or for any other purposes whether ejusdem generis with those purposes or not Provided that the owners shall in relation to the breaking up of the soil or pavement of the road be under the same superintendence and subject to the same restrictions obligations penalties and liabilities as are imposed upon undertakers by the provisions of sections 28 to 34 (both inclusive) of the Waterworks Clauses Act 1847 and the Corporation or the council (as the case may be) shall in relation to any of the works of the owners laid down or constructed under the provisions of this section have all such powers as are by law conferred upon highway authorities :

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Provided also that any pipes cables tubes or wires laid down or constructed under this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

- (4) The owners may construct over the road in such position as they may think fit bridges or conveyers and the Corporation or the council (as the case may be) shall at the expense of the owners afford all reasonable facilities for the construction of such bridges or conveyers and shall subject as is hereinafter mentioned permit the erection of the hoardings and scaffoldings required for the construction thereof Provided that no such bridge or conveyer shall have a span of less than fifty-five feet or more than sixty-five feet over the carriageway measured

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at right angles to the centre line of the road nor a headway of less than sixteen feet above the road surface and that no permanent pier or support shall be placed on the carriageway Provided also that if the Corporation or the council (as the case may be) as regards the road or that part thereof which is for the time being vested in them require any bridge or conveyer to be constructed of a greater span than fifty-five feet over the carriageway they shall pay—

(a) the additional cost of such bridge or conveyer consequent on; and

(b) compensation for all damage or injury (if any) caused by

compliance with such requirement :

- (5) The Corporation shall not acquire the existing turnpike gatehouse
- (6) The owners shall not for the purposes of any works carried out by them under the provisions of this section be entitled to interfere with the use of the footway or carriageway of the road more than is reasonably necessary or to stop the traffic thereon :
- (7) Nothing herein contained shall prevent the Corporation or the council (as the case may be) or any company body or person entitled to break up streets within the city or within the urban district of Penarth (as the case may be) from exercising such rights in relation to the road as a public highway :
- (8) Sections 33 and 34 of the Public Health Act 1925 (as to the prescribing of improvement lines) and section 5 of the Roads Improvement Act 1925 (as to the prescribing of building lines) and the provisions of the Town Planning Act 1925 shall apply in relation to the road after it has been acquired by the Corporation :
- (9) If any difference shall arise between the owners on the one hand and the Corporation or the council (as the case may be) on the other hand with reference to the provisions of this section such difference shall be settled by arbitration.

**59.** For the further protection of the owners the following provisions shall unless otherwise agreed in writing between the owners on the one hand and the Corporation on the other hand have effect (that is to say) :—

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—  
For further  
protection  
of owners.

Unless and until the Corporation shall give any such notice as is referred to in the section of this Act of which the marginal note is “ Acquisition of undertaking ” the provisions of the following sections of the Act of 1920 (that is to say) :—

Section 78 (Shelters or waiting rooms);

Section 79 (Cloakrooms &c.); and

Section 81 (Attachment of signs indicating stopping places to lamp-posts &c.)

shall not apply to the road and the provisions of section 66 (Conditions as to running of omnibuses) of the Act of 1920 (other than subsections (1) and (2) and so much of subsection (4) as relates to the said subsection (1) ) shall apply to the road as though it were situate outside the city and the expression “ county bridge ” shall include the bridges carrying the road over the river Taff and the river Ely and in respect of the road and any such bridges the owners shall be deemed to be the road authority Provided that if in the opinion of the Minister of Transport it should be necessary to reconstruct such bridges or either of them the provisions of subsection (3) of the said section 66 shall apply to such reconstruction Provided also that in assessing the sums to be paid to the owners under the said subsection (3) the Minister of Transport shall have regard to the fact that the owners are entitled to charge tolls for the use of the road.

**60.**—(1) Notwithstanding the vesting of the undertaking in the Corporation under the provisions of this Part of this Act the Corporation shall not acquire under the powers of this Act nor be deemed to have acquired by virtue of this Act the property of the Great Western Railway Company in any portion of the subsoil over which the road passes.

For protec-  
tion of  
Great West-  
ern Railway  
Company  
with refer-  
ence to

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—  
Cardiff and  
Penarth  
road.

(2) If the said company at any time or times require to widen the existing bridges carrying their railways over the road or to construct any new bridges thereover between the bridges carrying the said company's South Wales Railway and their riverside branch respectively over the road they shall not except as hereinafter provided be under any obligation to provide a clear span exceeding forty feet measured at right angles to the centre of the road or a clear headway exceeding fourteen feet three inches above the road surface. Provided that if the Corporation require any such existing bridge to be widened or new bridge to be constructed with a greater span than forty feet or a greater headway than fourteen feet three inches the said Company shall provide such increased span or headway and the Corporation shall pay to them the additional cost of so doing as compared with the cost which would have been incurred in widening such existing bridge or constructing such new bridge with the dimensions hereinbefore in this section specified.

For protec-  
tion of G. F.  
Evans and  
others.

**61.** For the protection of George Frederick Evans Christopher Jones Edgar John Rutter and Stanley Smith their successors and assigns as lessees under an indenture of lease dated the twenty-first day of November one thousand nine hundred and sixteen made between the Right Honourable the Marquis of Bute of the one part and Charles Jenkins of the other part whereby certain land and brickworks were demised to the said Charles Jenkins for a term of thirty-five years from the second day of August one thousand nine hundred and fifteen at the rents therein mentioned (all of whom are in this section referred to as "the lessees") the following provisions shall unless otherwise agreed in writing between the Corporation and the lessees apply and have effect (that is to say):—

Notwithstanding the vesting of the undertaking in the Corporation under the provisions of this Part of this Act the Corporation shall not during the subsistence of the said indenture of lease in any way interfere with the bridge carrying over the road the private railway connecting the premises of the lessees with the Penarth branch of the Great Western Railway nor shall anything contained in this Part of this Act prejudice the right of the

lessees during the subsistence of the said lease to alter repair or reconstruct the said bridge Provided that the lessees shall not lessen the headway or span of the bridge or interfere with the road Provided further that the Corporation or the council (as the case may be) may and the council shall (if the Corporation so require and pay the expense thereof) either during the subsistence or after the expiration or other determination of the said lease alter or reconstruct such bridge and railway in accordance with plans sections and particulars to be submitted to and reasonably approved by Mountjoy Limited or the lessees or in case of difference settled by arbitration as hereinafter provided.

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**62.** Within three months or such longer period as the Minister of Transport may from time to time allow from the end of each financial year in which the Corporation take tolls under the powers of this Part of this Act the Corporation shall furnish to the said Minister accounts showing the amounts of the tolls received by them in that year and of the expenditure incurred in that year in the collection and recovery thereof.

Corporation to furnish accounts to Minister of Transport.

## PART VIII.

## STREETS AND BUILDINGS.

**63.** 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 intersecting streets.

**64.** The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street or any other street in exchange for any part of any street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the

Exchange of parts of streets dis-used.

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opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished :

Provided that 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 part of a street exchanged for land under any such agreement as if the same had continued to be part of the street Provided further that if the Corporation or the owner of the land desires an alteration of 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 land (as the case may be) were "undertakers" within the meaning of the said Act.

Develop-  
ment  
scheme may  
be required  
in connec-  
tion with  
new streets.

**65.**—(1) Whenever application shall be made to the Corporation to approve the plan for the laying out of or notice shall be given to the Corporation of intention to lay out a new street in the city the Corporation may by written notice 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.

(2) On receipt of the plans and particulars of a general scheme for the development or laying out of an estate or lands (whether submitted in accordance with subsection (1) of this section or otherwise) the Corporation may approve the scheme either unconditionally or subject to modifications and when they shall have done so neither the owner of the estate or lands nor his successors in title shall carry out the development of the estate or lands in such a manner as to conflict substantially with the particulars and plans as so approved and if any such owner shall offend against the provisions of this subsection



he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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(3) The said owner or his successors in title may at any time submit to the Corporation for their approval any alterations 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 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 alteration or 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.

**66.**—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the city by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either end of such new street in order to secure means of communication between such new street or any other street or intended street or for the purpose of securing an adequate opening at either end of the new street :

As to terminations of new streets.

Provided that the Corporation shall not prohibit the erection or retention of any such wall or fence until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

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(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to vary width of carriageways and footways.

**67.** 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 not less than 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.

Crossings over footways.

**68.**—(1) Every owner or occupier of premises desirous of forming or using a communication for horses or vehicles across any footway so as to afford access to his premises from any street shall give at least seven days' notice in writing to the Corporation of his intention so to do and if so required by the Corporation within seven days of the receipt of such notice shall before permitting the use of such communication construct a carriage crossing over the footway of the street of such materials and in such manner as shall be satisfactory to the engineer or shall comply with such other conditions as the Corporation in any case require Any owner or occupier who makes default in complying with the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) The Corporation may within seven days after receipt of a notice under this section intimate that they themselves desire to execute the necessary works in which case the works shall be executed by the Corporation who may recover summarily as a civil debt the cost of so doing from the person desiring to form the communication across the footway.

(3) Nothing in this section shall in the case of any street repairable by the inhabitants at large impose on any such owner or occupier any obligation to maintain any crossing constructed in pursuance of this section.

**69.**—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the satisfaction of the engineer and with materials to be approved by him the street so opened or broken up.

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Streets  
broken up  
to be re-  
instated.

(2) Any person offending against the provisions of this section shall be liable to a penalty of five pounds and to a daily penalty of forty shillings.

**70.**—(1) It shall not be lawful for any person except with the consent in writing of the Corporation to suspend or keep suspended across or hang or keep hung over the carriageway of any street any banner streamer sign or lettering for the purposes of advertisement or announcement.

Banners and  
signs across  
streets.

(2) If any person shall without such consent as aforesaid so suspend or keep suspended or hang or keep hung any banner streamer sign or lettering the Corporation may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within a specified time and in the event of his failing to do so the Corporation may themselves remove such banner streamer sign or lettering at the expense of such owner or person which expense and the expense of any proceedings with reference thereto may be recovered by the Corporation from such owner or person summarily as a civil debt. Provided that such removal by the Corporation and any proceeding with reference thereto shall not affect or relieve such owner or person from any penalty for contravention of the provisions of this section which such owner or person may have incurred or become liable for.

(3) Any person contravening the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings which penalty and daily penalty shall be without prejudice to the enforcement of compliance with the provisions of this section in any manner which would be competent by law if no such penalty was provided for.

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

(5) Any person aggrieved by any requirement of the Corporation under this section or by the withholding of consent by the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement or of notice of the withholding of such consent provided he give twenty-four hours' 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.

(6) Notice of the right to appeal shall be endorsed on every notice of a requirement or of the withholding of consent by the Corporation under this section.

As to hoardings and similar structures.

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

- (i) beyond any building line prescribed by the 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 expense incurred by them in so doing from the offender.

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(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 a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

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

**72.**—(1) Before placing or erecting any hoarding or wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed to be so placed or erected.

As to erection of hoardings at street corners.

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(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover from such person the expense incurred by them in so doing.

(4) Any person deeming himself aggrieved by any requirement or prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval appeal to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs.

Fencing of  
forecourts.

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

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

Alteration  
of struc-  
tures on  
forecourts.

**74.**—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt within the city is by reason of its character

injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

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—

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation 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. Notice of the right to appeal shall be endorsed upon every such notice served by the Corporation.

**75.** Where in the opinion of the Corporation repairs the cost of which will not exceed five pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect the operation in regard to such street at any subsequent date of the provisions of Parts V and VI of the Act of 1884 or any other statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 (As to urgent repairs of private streets) of the Public Health Acts Amendment Act 1907.

As to urgent  
repairs of  
private  
streets.

**76.** The Corporation when carrying out any private street works may with the consent in writing of the greater part in rateable value of the owners of the houses or land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect

Planting of  
trees in  
private  
streets.

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guards or fences and otherwise do anything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the private street works in such street. Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street :

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

Restriction  
on erection  
of tempor-  
ary stands.

**77.**—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the 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.

(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.

Further  
power to  
make bye-  
laws as to  
new build-  
ings.

**78.**—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended to as to enable the Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct a building of drawings of the elevations and particulars as to the materials of such building (in this section called collectively "elevations").



(2) Where elevations 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 six weeks after the submission to them of the elevations—

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(a) approve the elevations; or

(b) if they shall consider that having regard to the height or the general character of the buildings in the vicinity or of the buildings proposed therein to be erected the building to which the elevations relate would be open to objection disapprove them.

(3) Any person deeming himself aggrieved by any disapproval by the Corporation under this section may appeal against their decision to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs.

(4) Where the elevations of a building have been disapproved under this section it shall not be lawful to erect the building until the elevations thereof have been approved by the Corporation and any person who offends 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.

**79.**—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any building used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice in writing given by the Corporation to the owner of such chimney be raised by such owner to such height measured from the level of the centre of the street nearest thereto as the Corporation shall by such notice reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement.

Height of  
chimneys.

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(2) Any person who shall fail to comply with any requirement of the Corporation under this section within the time specified in that behalf in the notice of such requirement shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Carrying up  
of chimneys  
&c.

**80.**—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining buildings 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 if it is required by the Corporation and is reasonably practicable 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 fail to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Means of  
escape from  
buildings in  
case of fire.

**81.**—(1) Every building erected 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 nursing home orphanage boarding-house common lodging-house offices or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the 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.

(2) From and after the first day of January one thousand nine hundred and thirty-one the Corporation in the case of every existing building exceeding two

A.D. 1930.  
—

storeys in height and used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house offices or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire-fighting and first aid fire appliances and proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling 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 appliances and means of escape so required.

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

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

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

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

(6) The appliances and means of escape in case of fire provided in any building in pursuance of this section

A.D. 1930. 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.

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

(8) 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.

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

Means of ingress to and egress from large shops departmental stores and clubs.

**82.**—(1) The provisions of section 36 of the Public Health Acts Amendment Act 1890 shall extend and apply to—

- (a) shops departmental stores and warehouses to which the public are admitted and where more than twenty persons are employed; and
- (b) any club registered under the provisions of section 91 (Obligation to register clubs) of the Licensing (Consolidation) Act 1910 in the city whether existing before or after the passing of this Act.

(2) The provisions of the said section 36 shall be read and construed so as to provide that in such premises as aforesaid portable first aid fire appliances must be installed to the satisfaction of the Corporation:

Provided that in the application of the provisions of the said section 36 to any club the said section shall be read and have effect as if the words "for the use of the public" were omitted from subsection (1) thereof.

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

(4) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application in pursuance of the provisions of this section to any such premises as are referred to in paragraph (a) or paragraph (b)

of subsection (1) of this section may within fourteen days after the date on which the Corporation give notice of their requirement to such person 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 fit and may award costs Provided that such person shall give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk. A.D. 1930.

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

(6) For the purposes of this section section 7 of the Public Health Acts Amendment Act 1890 shall not apply.

**83.**—(1) 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— Extension of power to make building byelaws.

- (a) the materials with which new buildings shall be constructed;
- (b) the manner in which and the materials with which grates stoves and fireplaces 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;
- (c) 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;
- (d) the adequate lighting of buildings;
- (e) the testing of drains of new buildings;
- (f) 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;
- (g) the provision of fixed baths in such classes of new dwelling houses as may be prescribed in the byelaws;

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(h) for requiring notice to be given of the erection or formation of bathrooms or the fixing of geysers or other hot-water apparatus in connection with any premises and for securing that proper ventilation shall be provided and maintained for such apparatus and for any such apparatus fixed before the passing of this Act or the making thereunder of any byelaw relating to such matters:

Provided that before making any byelaw under this section in relation to the fixing of geysers or other hot-water apparatus the Corporation shall give reasonable notice thereof to the Cardiff Gas Light and Coke Company who shall be entitled to make representations to and be heard by the Corporation thereon.

(2) For the purpose of framing any such byelaws in relation to buildings to be constructed wholly or partly with metal framework or of reinforced concrete and in respect to the use and composition of metal for framework and of reinforced concrete in the construction of buildings the Corporation may carry out such investigations and make such tests as they may deem necessary.

(3) Any byelaws under the said section 157 as above extended with respect to the matters dealt with in paragraphs (b) (c) and (d) of subsection (1) of this section may be made so as to affect buildings erected before the times mentioned in the said section 157.

Further amendment of section 157 of Public Health Act 1875.

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

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

As to dangerous buildings.

**85.**—(1) In the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or to persons working therein the Corporation may order a complete external and internal inspection and examination of 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. A.D. 1930.

(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.

**86.**—(1) Every dwelling-house erected after the passing of this Act shall be provided with a suitable and sufficient secondary means of access to a street for the purpose of removal therefrom of house refuse : Secondary means of access to dwelling-houses.

Provided that this subsection shall not apply to a dwelling-house erected upon the site or part of the site of a dwelling-house or other building which is erected at the date of the passing of this Act where it is not reasonable to require a secondary means of access to be provided and if any question shall arise under this proviso between the Corporation and the owner of any such dwelling-house or site such question shall be determined by arbitration under the provisions of the section of this Act of which the marginal note is " Arbitration " but for the purposes of this proviso the President of the Surveyors' Institution shall be substituted for the President of the Institution of Civil Engineers in the said section of this Act.

(2) Where any house within the city is provided at the time of the passing of this Act with a secondary means of access it shall not be lawful for any person to enclose such secondary means of access without the consent of the Corporation.

(3) Any person aggrieved by the decision of the Corporation under the provisions of subsection (2) of this section may within fourteen days from the date of such decision appeal to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs.

(4) Any person offending against the provisions of this section shall be liable to a penalty not exceeding

A.D. 1930. — five pounds and to a daily penalty not exceeding forty shillings.

Area of habitable rooms.

**87.** 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.

Food storage accommodation to be provided.

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

(2) (a) Every dwelling-house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated and fly-proof larder or other food storage accommodation and every existing dwelling-house shall where reasonably practicable be provided with sufficient and properly ventilated 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 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.

Separate sewers for sewage and surface water.

**89.**—(1) Where under the provisions of any local or general Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction or in any



case in which a plan of an intended new street or of the intended widening or adaptation of a road footpath or way so as to form a new street is submitted to the Corporation for their approval they may require the provision in such street or new street of separate sewers for the reception of surface water and of sewage respectively.

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(2) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers.

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

(4) In the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient effectually to drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

**90.** Section 39 of the Public Health Act 1925 in its application to the city shall extend and apply to the repair of any such drain as is referred to in that section in like manner as it applies to the reconstruction or the alteration of the course of such drain.

Extension  
of section 39  
of Public  
Health Act  
1925.

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

Exemptions  
for railway  
companies.

“ Crossings over footways ” ;

“ Banners and signs across streets ” ;

“ As to hoardings and similar structures ” ;

“ As to erection of hoardings at street corners ” ;

“ Restriction on erection of temporary stands ” ;

“ Means of escape from buildings in case of fire ” ;

and

“ As to dangerous buildings ” ;

A.D. 1930. — shall extend or apply to any building (not being a dwelling-house) railway dock 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 dock work or land is used or held by the said railway company primarily for railway or dock purposes.

## PART IX.

## SANITARY AND PUBLIC HEALTH.

Provisions  
as to tents  
vans &c.

**92.**—(1) Any tent van shed or similar structure or any boat used for human habitation standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the city be deemed to be a house or building within the meaning of those words where they first occur in the said section.

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

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

Prohibition  
of tents  
vans &c.

**93.**—(1) No tent van shed boat or similar structure used or intended to be used for human habitation shall be placed or kept on any land or foreshore or on any water adjoining the land or foreshore situate within the city without the previous approval of the Corporation.

(2) 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 boat 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.

(3) Any person aggrieved by the withholding by the Corporation of their 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.

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(4) This section shall not apply to (a) a tent van or shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker or (c) a canal boat or a vessel registered under the Merchant Shipping Act 1894 or any boat or vessel used for navigation.

(5) The placing upon the foreshore of any tent van shed boat or similar structure used or intended to be used for human habitation shall be subject to the provisions of the section of this Act of which the marginal note is "Works below high-water mark not to be constructed without the consent of Board of Trade."

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

**94.** In the application to the city of sections 214 to 217 of the Merchant Shipping Act 1894 and any byelaw made under the said section 214 a seamen's lodging-house shall include any house of which any room wholly or partly furnished is let to a seaman or to seamen.

Seamen's  
lodging-house  
to include any  
house in  
which rooms  
let to seamen.

**95.**—(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 section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under

Discontinu-  
ance of  
offensive  
trade.

A.D. 1930. — the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade Provided that any person aggrieved by any such requirement may appeal therefrom to a court of summary jurisdiction within seven days after the receipt of the notice of such requirement provided he give twenty-four hours' 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.

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

(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 such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the 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.

Power to  
order altera-  
tion of  
chimneys.

**96.**—(1) It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or the sanitary inspector that any smoke gas or vapour or any soot from any chimney of a wash-house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the city to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted as may seem fitting to such court for preventing or mitigating such nuisance within such time as shall be specified in such order where the cost

of complying with such requirement does not exceed twenty pounds. A.D. 1930.

(2) Any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**97.**—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide adequate 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 the Corporation approve. Regulation dustbins.

(2) The Corporation may purchase or acquire (but not manufacture) ashbins and dustbins and supply the same at cost price to the owners or occupiers of dwelling-houses warehouses and shops in the city.

(3) Every owner or occupier having provided any such dustbin (whether by purchase from the Corporation or otherwise) shall subject as hereinafter provided maintain the same in good order and condition.

(4) It shall not be lawful for any person to use any dustbin ashtub or ashpit 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) The owner or occupier of any premises in connection with which an ashbin or dustbin has been or shall be provided shall if so required by the Corporation pay to the Corporation on each first day of April after the passing of this Act or after the date of such provision (as the case may be) such sum not exceeding three shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such ashbin or dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such ashbin or dustbin and shall be recoverable summarily as a civil debt.

(6) 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

A.D. 1930.

—

subsection (3) 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.

(7) Section 91 (Regulation dustbins) of the Act of 1920 is hereby repealed.

As to defective drains &c.

**98.**—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain watercloset or soil pipe (not being the property of a railway company) is stopped up or otherwise defective the medical officer or the 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 requirements 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 under the circumstances of the case.

Extension of section 72 of Public Health Act 1925.

**99.**—(1) Section 72 of the Public Health Act 1925 in its application to the city shall (except in relation to subsection (3) and paragraph (e) of subsection (2) of that section) be read and have effect as if the words “the Factory and Workshop Act 1901 as amended by any subsequent enactment or” were omitted from subsection (1) of that section.

(2) The said section as so amended shall in its application to the city be read and have effect as if the

following provision were added after subsection (2) thereof (that is to say) :— A.D. 1930.

“The occupier of any room to which this section applies shall cause to be provided in connection with the room—

(a) a satisfactory water supply; and

(b) (where the room is used for the preparation of food for sale) suitable washing-up sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein.”

**100.**—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Corporation may require any existing closet accommodation (including any closet which drains into a cesspit and a slop-closet and trough-closet but not including a watercloset of any other description) provided at or in connection with any building to be altered so as to be converted into a fresh-water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building.

Conversion of existing accommodation into water-closets.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation of any requirement under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing :

Provided that the Corporation shall bear and pay such part of the expenses incurred by them (not being less than one-third thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section

A.D. 1930. in any case in which they may not be required to  
— bear any part of such expenses.

(4) The notice of any requirement under this section shall state the effect of the provisions of this section.

Water  
supply to  
closets.

**101.** Every watercloset shall have a good supply of water laid on and an efficient flushing apparatus attached thereto in accordance with any regulations made by the Corporation under their statutory powers for the time being in force and shall have an opening communicating directly with the external air or shall be otherwise furnished with sufficient means of ventilation and the pipes which shall immediately supply water to a watercloset and to the flushing apparatus attached thereto shall be so arranged that water for any other purpose than flushing the closet cannot be drawn therefrom.

Any owner of any building whether built before or after the passing of this Act who shall after the expiration of six months from the passing of this Act fail to provide and maintain efficient flushing apparatus or means of ventilation for any watercloset in or connected with such building in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Notice in writing of the provisions of this section shall be served by the Corporation upon an owner at least six months before any proceedings under this section shall be taken against him.

Cleansing of  
dwelling-  
houses in  
certain  
cases.

**102.** When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that any occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to such occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse



and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

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**103.**—(1) If the medical officer certifies in writing that any person—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary poor law or other institution or other suitable place within the city or within a convenient distance of the city and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

Removal of infirm and diseased persons in certain cases.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of their intention to make such application and of the time and place when and where such application will be made.

(3) (a) The cost of the removal of any person to a hospital infirmary institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation unless on the application

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of the Corporation the court shall order that such cost or such part thereof as it may determine shall be borne by the person so removed in which case such cost or part thereof shall be recoverable from such person summarily as a civil debt.

(b) During any period for which a person is so detained the Corporation may and if required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit.

(4) An order under this section may be addressed to such officer of the Corporation or to such constable as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised.

Prohibiting  
sorting of  
contents of  
dustbins.

**104.**—(1) It shall not be lawful for any person (other than a person appointed by the Corporation for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of the removal of such contents by the Corporation.

(2) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

**105.** Section 44 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

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Byelaws as  
to tipping  
refuse.

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

Medical  
practi-  
tioners to  
notify cases  
of food  
poisoning.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

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

**107.—**(1) Any person being a parent or having the care or charge of a child or young person 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.

Notification  
to school  
teachers of  
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 or young person named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as witness.

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(2) In this section—

the expression “infectious disease” includes measles German measles scabies ringworm whooping cough and chicken pox;

the expression “school” includes a Sunday school namely any school in which children or young persons are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

## PART X.

## HUMAN FOOD.

Hawking of  
meat.

**108.**—(1) Where the Corporation by resolution determine that the provisions of this section shall apply in the city and such resolution has been advertised at least once in each of three successive weeks in a newspaper circulating in the city the following provisions shall have effect therein:—

(a) No person other than a person keeping open shop for the sale of meat or meat food products shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product from any cart or other vehicle or from any basket or barrow unless he holds a certificate from the Corporation approving of the accommodation used by him for the storage of the meat or meat food products;

(b) (i) A certificate of approval of storage accommodation shall not be withheld unless the Corporation are satisfied that the storage accommodation is having regard to the interests of public health unsatisfactory for the purpose of storing meat or meat food products;

(ii) A certificate of approval shall have effect only as respects the person to whom such certificate has been granted;

(c) (i) Every certificate of approval shall subject as hereinafter provided be for a stated period not exceeding one year and such fee not

exceeding two shillings and sixpence may be charged therefor as the Corporation may determine; A.D. 1930.

(ii) The Corporation may at any time during the period for which such certificate of approval is granted withdraw the certificate if they are satisfied that in the interests of public health it should be withdrawn provided that they shall first have given the person from whom the certificate is proposed to be withdrawn an opportunity of being heard and on any such withdrawal or upon the use of the premises in respect of which the certificate of approval has been granted being discontinued the certificate shall subject as hereinafter provided cease to have effect and shall forthwith be returned to the Corporation;

(d) Any person from whom a certificate of approval has been withheld or withdrawn may within seven days from the date on which such withholding or withdrawal has been intimated to him appeal to a court of summary jurisdiction against such withholding or withdrawal and the decision of such court shall be final Where such court decides that such certificate of approval should not have been withheld or shall not be withdrawn the Corporation shall comply with the decision of such court Pending the final determination in any appeal with respect to the withdrawal of a certificate of approval the certificate shall continue to have effect;

(e) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any storage accommodation in the city in respect of which an application has been received for a certificate of approval or in respect of which such a certificate is in operation and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food products intended for sale from a cart or other vehicle or from a basket or barrow;

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(f) Every person in charge of a cart or other vehicle or of a basket or barrow from which meat or any meat food product is being sold or offered or exposed for sale shall on demand produce to the medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose or to any officer of police the certificate of approval of the appropriate storage accommodation or a copy thereof certified by or on behalf of the Corporation for which copy the Corporation shall be entitled to charge a fee not exceeding one shilling;

(g) The Corporation shall keep a register of storage accommodation in respect of which certificates of approval are granted under this section and of the persons to whom such certificates are granted.

(2) In and for the purposes of this section—

“Meat” means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

“Meat food product” means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

(3) Any person offending against the provisions of paragraph (a) or paragraph (f) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and (in the case of an offence against the provisions of the said paragraph (a)) to a daily penalty not exceeding twenty shillings.

Further powers in relation to unsound food.

**109.** 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—(whether by wholesale

or by retail) or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly :

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Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon them by this section such medical officer or sanitary inspector shall conform to such reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the said company the power conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection of goods of the said company.

110.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

Penalty on original vendor of unsound food.

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

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

Byelaws as  
to food.

**111.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the transport by a railway company to or from any station or depot of such railway company of any article intended for the food of man the Corporation shall give notice to the railway company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such railway company shall be entitled to make representation to the Minister of Health with regard thereto.

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

**112.**—(1) Any premises used or proposed to be used for the preparation or manufacture of potted or preserved meat fish sausages or other like articles of 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 or any of them unless the same are registered as aforesaid.

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



(3) The word "preserved" in subsection (1) of this section includes preparation of meat or fish by any process of cooking but this section shall not apply to—

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- (a) premises in which the boiling of hams and bacon or of either of such articles is the only process of preparation of food carried on; or
- (b) hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises; or
- (c) premises occupied as a factory or workshop respecting which notice is required to be given under subsection (1) of section 127 of the Factory and Workshop Act 1901.

**113.—(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
- (b) Any premises within the city used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

Registration  
of ice-cream  
manufac-  
turers and  
premises.

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.

(4) This section shall not apply to or affect any premises licensed for stage plays or for music and dancing or for cinematograph entertainments.

**114.—(1)** If a person suffering from an infectious disease or living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household

Prohibition  
on infected  
person  
carrying on  
business.

A.D. 1930. in such a manner as to be likely to spread such disease or contaminate such food he shall be liable to a penalty not exceeding forty shillings.

(2) In this section the expression "infectious disease" includes infective enteritis.

(3) If any person shall at the request of the Corporation (acting on the advice of the medical officer) cease his employment in consequence of the existence of any of the conditions referred to in subsection (1) of this section the Corporation may make compensation to him for any loss which he may sustain by reason of such ceasing.

## PART XI.

### EMPLOYMENT AGENCIES.

Definition of expressions in Part XI of Act.

**115.**—(1) In this Part of this Act—

The expression "employment agency" means any agency or registry in the city carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity. Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Act:—

(a) any employment agency conducted by or under the direction and supervision of the Ministry of Labour under the Labour Exchanges Act 1909 or any other Act of Parliament; or

(b) any juvenile employment bureau conducted by the local education authority under the Education Act 1921; or

(c) any employment agency which is carried on exclusively for the purpose of obtaining employment for (i) persons formerly members of His Majesty's naval military or air forces or (ii) persons released from a prison or Borstal institution or from a reformatory or industrial school and which is certified at the prescribed date and from time to time thereafter by

the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or

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(*d*) any employment agency conducted by a central body or distress committee under the Unemployed Workmen Act 1905; or

(*e*) any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary.

(2) Any question whether a society or body is a society or body within the meaning of paragraph (*e*) of subsection (1) of this section shall be determined by the Charity Commissioners.

**116.** This Part of this Act shall come into force on the first day of January one thousand nine hundred and thirty-one or such later date as the Corporation may by resolution passed within three months after the passing of this Act prescribe. The date on which this Part of this Act shall so come into force is in this Part of this Act referred to as "the prescribed date."

Date of commencement of Part XI of Act.

**117.** From and after the prescribed date no person shall carry on an employment agency without a licence from the Corporation authorising him so to do.

Employment agencies to be licensed.

**118.—(1)** A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in the application state—

Applications for licences.

(*a*) his full name;

(*b*) his age and nationality;

(*c*) his private address or if the application is made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;

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(d) the name under which and the address at which the employment agency is carried on or proposed to be carried on; and

(e) such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be licensed;

and in addition the nature of such agency and whether (and if so to what extent) the applicant is interested in any other employment agency.

(2) Every application for a licence to carry on an employment agency in existence at the passing of this Act shall be made within one month after the date or (if more than one) the latest date of publication of the advertisements giving public notice of the effect of this Part of this Act under the section of this Act of which the marginal note is "Notice of Part XI of Act to be given."

(3) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

Corporation  
to grant  
licences.

**119.**—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act (and not later in the case of an application under subsection (2) of the last preceding section of this Act than the prescribed date) grant or renew a licence to the applicant to carry on an employment agency of the description specified in the application and in the name and at the address specified in the application. Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

(i) to any person under the age of twenty-one years; or

(ii) to any person who may be an unsuitable person to hold such licence; or

(iii) in respect of any premises which are unsuitable for the purposes of an employment agency; or

(iv) in respect of any employment agency which has been or is being improperly conducted.

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(2) The Corporation shall not refuse to renew nor shall they revoke any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice in writing that objections have been or will be taken to such renewal or that a revocation is proposed and unless on written application made within three days after the receipt of such notice they shall have afforded to the applicant an opportunity of being heard against such refusal or revocation.

(3) Any person making application under the section of this Act of which the marginal note is "Applications for licences" shall when making the same pay to the Corporation in respect of the grant or renewal of a licence as aforesaid such fee as the Corporation may fix not exceeding—

(a) in respect of the grant of a licence £2 2s.;

(b) in respect of the renewal of a licence £1 1s.

and the fees paid on any application for the grant or renewal of a licence may be retained by the Corporation whether such licence is or is not granted or renewed.

(4) Every such licence shall (unless revoked) be valid for a period of one year except that a licence granted or renewed otherwise than at any annual meeting fixed by the Corporation for the purpose of considering applications under this Part of this Act shall only be valid until the thirty-first day of December next after the date of such grant or renewal.

(5) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(6) Any person aggrieved by such refusal or revocation may appeal to a court of summary jurisdiction provided that the appeal is made within fourteen days from the date of such refusal or revocation and that notice in writing of the appeal is sent to the Corporation within twenty-four hours after the entry of the appeal.

(7) On any such appeal the court may after considering any representations made by the Corporation

A.D. 1930. by order either confirm the refusal or revocation or allow the appeal and may direct the Corporation to grant or renew a licence and the Corporation shall comply with any such direction.

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

Byelaws as to employment agencies.

**120.**—(1) The Corporation may make byelaws requiring any person holding a licence under this Part of this Act to keep (at his option) either books cards or forms showing the business conducted by him so far as it relates to his employment agency and prescribing entries to be made in connection with such business in such books or on such cards or forms (as the case may be) and for the prevention of fraud and immorality in the conduct of employment agencies and for regulating any premises used for the purposes of or in connection with such agencies.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made by the Corporation under this section.

Powers of inspection of premises in connection with employment agencies.

**121.** Any officer of or other person duly authorised by the Corporation in that behalf may (i) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which such person has reasonable cause to believe are used for the purposes of or in connection with an employment agency and (ii) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

Penalties.

**122.**—(1) Every person who after the prescribed date—

- (i) carries on within the city an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or



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Directors of companies to be liable for penalties.

**123.** Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Act 1929 or any Act repealed by the last-mentioned Act or amending any of the said Acts commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director and manager shall be liable on conviction to the like penalty as if he or they were the person or persons committing the offence unless he proves to the satisfaction of the court—

- (i) that the act which constituted the offence took place without his knowledge consent or connivance; and
- (ii) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

Section 85 of Public Health Acts Amendment Act not to apply in city.

**124.** As from the prescribed date section 85 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the city but not so as to affect any existing byelaws made thereunder which shall continue in force as if made under the provisions of this Act.

Notice of Part XI of Act to be given.

**125.** The Corporation shall prior to the prescribed date cause public notice to be given in two or more newspapers circulating in the city of the effect of this Part of this Act and of the date when it will come into force.

## PART XII.

### SUPERANNUATION.

Definition of expressions in Part XII of Act.

**126.** In this Part of this Act unless the subject or context otherwise requires—

- (a) Words and expressions to which meanings are assigned by Part X (Superannuation &c.) of the Act of 1920 have in this Part of this Act the same respective meanings; and
  - (b) “Appointed day” means the first day of April one thousand nine hundred and thirty;
- “The existing Part X” means the said Part X;



“ The amended Part X ” means the said Part X as amended by this Act; A.D. 1930.

“ Manual worker ” means a man of the working class at the appointed day or at any time thereafter exclusively in the permanent service of the Corporation and in each case designated as a manual worker for the purposes of this Part of this Act by a resolution of the Corporation passed before or after that day making reference to this Part of this Act but excluding any man who after the appointed day is designated an officer or servant in an established capacity for the purposes of the amended Part X ;

“ The justices ” means the justices of the city ;

“ Actuary ” means an actuary appointed by the Corporation being a Fellow either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland.

**127.**—(1) For the purposes of the amended Part X every person for the time being holding the office of stipendiary magistrate or clerk to the justices shall as on and from the appointed day be deemed to be an officer or servant in the permanent and exclusive service of the Corporation and to have been designated an officer or servant in an established capacity for the purposes of the amended Part X by a resolution of the Corporation and any person at the appointed day in the permanent and exclusive employ of any such clerk for the purposes of his duties as such clerk or thereafter appointed and in each case designated an officer or servant in an established capacity for the purposes of the amended Part X by a resolution of the justices shall as on and from the appointed day or (where such officer or servant is appointed after the appointed day) the date of the notification of such designation as aforesaid as hereinafter mentioned be deemed for the purposes of the amended Part X to be an officer or servant in the permanent and exclusive service of the Corporation. Extension of Part X of Act of 1920 to stipendiary magistrates and others.

(2) In relation to the persons mentioned in subsection (1) of this section the amended Part X shall apply subject to the following modifications (namely):—

(a) In section 123 (Provisions of this Part of Act not to be compulsory upon existing officers) of the

A.D. 1930.  
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Act of 1920 the period of one month from the passing of this Act shall be substituted for the period of one month after the passing of the Act of 1920;

(b) No service prior to the appointed day shall be reckoned for the purposes of the amended Part X other than service in some or one of the capacities mentioned in the said subsection (1);

(c) No service by any person after attaining the full age of sixty-five years shall be taken into account for the purpose of contribution to the superannuation fund or the reckoning of any superannuation allowance.

(3) In the application of the amended Part X to any clerk to the justices the expression "salary" shall (notwithstanding anything contained in section 110 (Definitions in this Part of Act) of the Act of 1920) mean the net salary payable to such clerk after deducting the amounts paid to him in respect of the salaries or wages of persons employed by him in connection with his duties as such clerk.

(4) Subsection (3) of section 111 (Title of officers and servants to superannuation allowances) of the Act of 1920 (which subsection relates to cesser of office after the attaining of sixty-five years) shall not apply to any stipendiary magistrate.

(5) In relation to any clerk to the justices and to persons in the employ of such clerk the amended Part X shall apply subject to the following modifications (namely):—

(a) In the proviso to the said subsection (3) of section 111 of the Act of 1920 "the justices" shall be substituted for "the Corporation" and section 115 (Scale of superannuation allowances) section 117 (Forfeiture for misconduct) and section 127 (Power to pension certain officers and servants) of the said Act shall be construed as if for the discretionary powers thereby conferred upon the Corporation there were substituted the like powers to the justices exerciseable by them by resolution and the Corporation shall subject as hereinafter provided give effect to any such resolution;

(b) The justices shall upon the designation by them of any person pursuant to the provisions of this section and upon the passing by them of any such resolution as is mentioned in the foregoing paragraph (a) forthwith notify the Corporation in writing thereof and if the Corporation shall be dissatisfied with any such designation or resolution as aforesaid they may appeal to the Secretary of State against the same and the matter in dispute shall thereupon be settled by the Secretary of State.

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(6) In relation to any stipendiary magistrate the amended Part X shall apply subject to the modification that in the said sections 115 117 and 127 of the Act of 1920 the directions of the Secretary of State shall be deemed to be substituted for the discretionary powers conferred upon the Corporation by the said section and the Corporation shall give effect to any such directions.

**128.** Notwithstanding anything contained in section 123 (Provisions of this Part of Act not to be compulsory upon existing officers) of the Act of 1920 if any officer or servant who in pursuance of the provisions of that section signified his intention not to avail himself of the provisions of the existing Part X shall at any time within one month from the passing of this Act signify in writing to the Corporation that he desires to avail himself of the provisions of the amended Part X the Corporation may permit him to avail himself of those provisions on such terms as the Corporation may think fit and if such officer or servant intimates in writing to the Corporation within one month after he shall have been notified of such terms as aforesaid his acceptance thereof the provisions of the amended Part X shall apply to such officer or servant with such modifications as may be necessary to give effect to those terms.

Extension of  
Part X of  
Act of 1920  
to persons  
who did not  
avail them-  
selves  
thereof.

**129.** In relation to the persons mentioned in the section of this Act of which the marginal note is "Extension of Part X of Act of 1920 to stipendiary magistrates and others" and to persons to whom the provisions of the amended Part X apply by virtue of the section of this Act of which the marginal note is "Extension of Part X of Act of 1920 to persons who did not avail

Modifica-  
tions of  
Part X of  
Act of 1920  
in relation  
to persons  
comprised  
in previous  
sections.

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“themselves thereof” the provisions of the amended Part X shall apply subject to the modifications following:—

- (a) The appointed day shall be substituted for the appointed day as defined in the existing Part X;
- (b) Service prior to the appointed day to be reckoned for the purposes of the amended Part X shall be limited to a period commencing on the first day of April one thousand nine hundred and eleven or as regards any such person as aforesaid on such later date as he may at any time within three months from the date of his first being entitled to become a contributor to the superannuation fund notify in writing to the Corporation;
- (c) The Corporation and every such person as aforesaid shall in respect of any period of service or aggregated service which shall be reckoned as service or aggregated service after the first day of April one thousand nine hundred and eleven and before the first day of April one thousand nine hundred and twenty-one contribute to the superannuation fund as on and up to the said first day of April one thousand nine hundred and twenty-one in accordance with the provisions of section 113 (As to reckoning prior service or aggregated service) of the Act of 1920 as modified by this section and every such person as aforesaid shall (in addition) in respect of any such period of service or aggregated service as aforesaid contribute to the superannuation fund as from the said first day of April one thousand nine hundred and twenty-one in manner hereinafter provided compound interest at the rate of five pounds per centum per annum on the several instalments composing the total sum which he would have contributed during a like period in the service or employment of the Corporation in respect of the salary or wages which he from time to time actually received during that period such interest being calculated from the dates on which such instalments would respectively have become due with yearly rests;
- (d) Every such person as aforesaid shall in respect of any period of service or aggregated service

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after the first day of April one thousand nine hundred and twenty-one which shall be reckoned as service or aggregated service and in lieu of the contributions by him and by the Corporation in respect of such service or aggregated service specified in the Act of 1920 contribute to the superannuation fund in manner hereinafter provided the total sum which he would have contributed during a like period in the service or employment of the Corporation in respect of the salary or wages which he from time to time actually received during that period together with compound interest at the rate of five pounds per centum per annum on the several instalments composing that sum calculated from the dates on which such instalments would respectively have become due with yearly rests;

(e) Every such contribution as aforesaid shall be made either—

(i) by the payment into the superannuation fund of a sum in gross within three months of the date of the certificate of the treasurer of the amount payable; or

(ii) by the making throughout the period during which the person concerned is a contributor to the superannuation fund of such an additional annual contribution to that fund as shall be certified by an actuary to be properly equivalent to the payment of the said sum in gross within the said period of three months.

**130.** The amended Part X shall apply to a manual worker with the following modifications (namely):—

(a) The appointed day shall be substituted for the appointed day as defined in the existing Part X;

(b) The Corporation shall for the purposes of this section establish and administer a superannuation fund (in this section referred to as "the new superannuation fund") separate and distinct from the superannuation fund (in this section referred to as "the existing superannuation fund") referred to in the existing Part X

Amendment  
of Act of  
1920 in  
relation to  
manual  
workers.

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- and the provisions of the existing Part X relating to the existing superannuation fund shall extend and apply to the new superannuation fund with the substitution of the appointed day for the appointed day as defined in the existing Part X;
- (c) The contributions to the new superannuation fund to be made by a manual worker shall be at the rate of one-third of eight and one-third per centum per annum in lieu of five per centum per annum;
- (d) The amount of the wages of a manual worker shall be taken to be his actual wages from time to time less the sum of one pound per week;
- (e) Section 123 (Provisions of this Part of Act not to be compulsory upon existing officers) of the Act of 1920 shall not apply;
- (f) Service prior to the appointed day to be reckoned for the purposes of the amended Part X shall be limited to service with the Corporation in a permanent and exclusive capacity but shall (notwithstanding anything to the contrary in section 110 (Definitions in this Part of Act) of the Act of 1920) extend to all such service after a manual worker has attained the age of twenty years whenever such service shall have commenced;
- (g) The Corporation shall within three months from the appointed day repay to any manual worker who at the appointed day is a contributor to the existing superannuation fund the amount of all contributions which he shall have paid to the said fund;
- (h) In the event of any statutory alteration being made in the provisions of the Widows' Orphans' and Old Age Contributory Pensions Act 1925 in relation to pensions payable to insured men or the wives of insured men or of the passing of any other enactment in relation to pensions to men of the working class or the wives of such men it shall be lawful for the Corporation by a scheme to be made by them and approved by the Minister of Health to alter the provisions of this Part of this Act so as to increase the

contributions of manual workers or vary the bases on which their contributions and those of the Corporation respectively are computed or either of such bases and to make any other alteration incidental to any such alteration as aforesaid;

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- (i) This section shall not apply to any person entering the service of the Corporation after the first day of June one thousand nine hundred and twenty-eight who at or before the time of such entry had attained or shall have attained the age of fifty-five years;
- (j) In relation to any person in the service of the Corporation on the first day of June one thousand nine hundred and twenty-eight who at or before that date had attained the age of fifty-five years the provisions of this section shall apply subject to the following modifications namely that the contributions of such person shall be carried to the general rate fund instead of to the new superannuation fund and that his superannuation allowance shall be paid out of the general rate or the general rate fund instead of out of the new superannuation fund.

**131.** "Service" in section 111 (Title of officers and servants to superannuation allowances) of the Act of 1920 shall (notwithstanding anything to the contrary in section 110 (Definitions in this Part of Act) of the Act of 1920) include all service as an officer or servant after the age of twenty years whenever such service shall have commenced.

Amendment  
of Part X of  
Act of 1920  
as to  
retiring age.

**132.—**(1) Any person who shall become entitled to a superannuation allowance under the amended Part X after attaining the age of sixty years may by notice in writing to the treasurer given before the date on and from which such superannuation allowance shall become payable require that (subject as hereinafter provided) any wife to whom he is married on such date as last aforesaid shall after his death receive during her life an annuity equal to one-third of the amount of his superannuation allowance.

Allowance  
to widow of  
pensioner.

A.D. 1930.

(2) In the event of any such notice being given and unless the Corporation are of opinion that the state of health of the person giving the same is at the date of the giving of such notice not reasonably satisfactory having regard to his age then—

(a) (i) if the wife in respect of whom the said notice shall have been given shall survive her husband giving the same and shall not before the date of his death have ceased to be his wife she shall be entitled to receive for life out of the appropriate superannuation fund an annuity of such amount as aforesaid but subject to such diminution as is referred to in paragraph (b) of this subsection; or

(ii) if the said wife shall die in the lifetime of her said husband and shall not before the date of her death have ceased to be his wife then as from the date of the death of the said wife the annual amount of the superannuation allowance of the said husband shall be reduced by one-third;

(b) in the event of any such wife as aforesaid being of less age than her husband giving such notice as aforesaid then—

(i) the amount of the annuity payable to such wife in the event of her surviving her husband pursuant to any such notice as is referred in subsection (1) of this section shall in respect of the greater expectation of life of such wife as compared with that of her husband be diminished—

(a) in accordance with the table set out in the Fourth Schedule to this Act where such husband has at the time of giving such notice attained the age of sixty-five years; and

(b) to such extent as shall be certified by an actuary to be just in any case not falling within the said table or where such husband has not at the time of giving such notice attained the age of sixty-five years;



(ii) the superannuation allowance payable to the person giving such notice as aforesaid shall during the joint lives of himself and his wife in relation to whom the said notice shall have been given be reduced by the amount of such diminution as aforesaid. A.D. 1930.

(3) As soon as practicable after the receipt of any such notice as is referred to in subsection (1) of this section the Corporation shall intimate in writing to the person giving the same their decision as to the acceptance or refusal (on grounds of the state of health of such person) of the requirement of such notice and within one month of the intimation by the Corporation of the acceptance of any such requirement the treasurer shall notify in writing to the person to whom such intimation was given the amount of the annuity which will in accordance with the provisions of this section be payable to his wife so surviving him as aforesaid and by which his superannuation allowance will be reduced.

(4) An annuity under this section shall not be capable of assignment or transfer.

**133.**—(1) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under the provisions of the amended Part X the Corporation shall pay to his legal personal representatives out of the appropriate superannuation fund an amount equal to the whole of the contributions made by such officer or servant to the appropriate superannuation fund with compound interest thereon at the rate of three pounds per centum per annum on the several contributions composing the sum from the dates on which they were respectively paid. Return in case of death.

(2) Subsection (1) of section 119 (Return in case of death) of the Act of 1920 is hereby repealed.

**134.** As from the appointed day section 152 (Superannuation allowances to stipendiary magistrates) of the Act of 1920 shall be and is hereby repealed. Repeal of section 152 of Act of 1920.

**135.** In any case in which under the provisions of the amended Part X any person being a contributor to the superannuation fund or to the new superannuation fund referred to in the section of this Act As to calculation of compound interest.

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of which the marginal note is "Amendment of Act of 1920 in relation to manual workers" or the legal personal representatives of any such person shall be entitled to receive a sum equal to the whole or part of the amount of the contributions of that person to such fund with compound interest thereon such interest shall be calculated on the amount of each contribution of such person from the end of the calendar year in which such contribution was made and with yearly rests thereafter.

Part XII of Act not to apply to certain transferred officers or servants.

**136.** The provisions of this Part of this Act shall not apply in relation to any officer or servant of a poor law authority transferred to the Corporation under the provisions of the Local Government Act 1929 by whom the annual contributions required by the Poor Law Officers Superannuation Act 1896 have been made and to whom any scheme under section 124 of the said Local Government Act 1929 applies.

### PART XIII.

#### SAVINGS BANK.

Power to establish savings bank.

**137.**—(1) The Corporation may establish and maintain a savings bank and may receive at that bank deposits and may guarantee the payment of interest on and the repayment of such deposits subject however to the following conditions:—

- (a) The accounts of the bank shall be kept separate from all other accounts of the Corporation;
- (b) The bank shall be carried on in accordance with such regulations as the Treasury or the Corporation with the approval of the Treasury may prescribe.

(2) The regulations to be prescribed under this section may apply with or without modification any of the provisions (including penal provisions and any provisions granting exemption from stamp duty in respect of instruments and documents) contained in the enactments relating to savings banks but save as applied by the regulations those enactments shall not apply to the bank.

**138.**—(1) The Corporation may establish a housing department of the bank and may make advances upon the security of freehold or leasehold estate by way of mortgage to any depositor in the bank desiring to purchase or acquire a dwelling-house or dwelling-houses within the city or any interest therein and for this purpose shall have power to hold land with the right of foreclosure subject however to the following conditions :—

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Power to  
make ad-  
vances for  
housing.

(a) The Corporation shall be satisfied that the value of the premises is sufficient and that the title thereto is one which an ordinary mortgagee would be willing to accept;

(b) The repayment of the advance with interest within such period not exceeding thirty years as shall be agreed shall be secured by a mortgage effected in accordance with the provisions of the Law of Property Act 1925.

(2) The Corporation for the purposes of this section may utilise and invest the funds of the bank.

#### PART XIV.

##### FINANCE.

**139.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such expenses as are to be paid out of borrowed money) shall be paid as follows (that is to say) :—

Expenses of  
execution of  
Act.

(1) Expenses incurred for purposes of the water undertaking out of the water revenue Provided that if in any year the water revenue be insufficient for the purposes to which it is applicable such deficiency shall be made up out of the general rate fund and the general rate :

(2) Expenses incurred for purposes of the tramway undertaking out of the tramway revenue Provided that if in any year such revenue be insufficient for the purposes to which it is applicable such deficiency shall be made up out of the omnibus revenue and if and to the extent to which the omnibus revenue be insufficient for that purpose out of the general rate fund and the general rate :

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(3) Expenses incurred for purposes of the omnibus undertaking out of the revenue of that undertaking Provided that if in any year such revenue be insufficient for the purposes to which it is applicable such deficiency shall be made up out of the tramway revenue and if the tramway revenue be insufficient for that purpose then out of the general rate fund and the general rate :

(4) Expenses incurred for all other purposes out of the general rate fund and the general rate.

Power to borrow.

**140.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period” and shall be deemed to be the prescribed period for the purposes of the enactments incorporated with this Act by the section thereof of which the marginal note is “Incorporation of certain provisions of the former Acts”) mentioned in the fourth column thereof (namely):—

Purpose.	Amount.	Charge.	Period for repayment.
(a) (i) For the construction of the waterworks.	£ 13,500	The water revenue and the general rate fund and the general rate.	Thirty years from the date or dates of borrowing. Sixty years from the date or dates of borrowing.
(ii) For the acquisition adaptation and improvement of lands and easements for the purposes of the waterworks and of the water undertaking.	18,000		

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Purpose.	Amount.	Charge.	Period for repayment.
(b) For the execution of the street works.	£ 6,070	The general rate fund and the general rate.	Thirty years from the date or dates of borrowing.
(c) For the acquisition of lands for purposes other than the purposes mentioned in the foregoing item (a) (ii).	35,400		Sixty years from the date or dates of borrowing.
(d) For the acquisition of the Cardiff and Penarth road undertaking.	The sum requisite.	The water revenue and the general rate fund and the general rate. The general rate fund and the general rate.	Fifty years from the date or dates of borrowing.
(e) (i) For paying one-fourth part of the costs charges and expenses of this Act as hereinafter defined. (ii) For paying the remaining three-fourths part of the said costs charges and expenses.	The sum requisite.		Five years from the passing of this Act.

(2) (a) The Corporation may with the consent of the Minister of Health borrow such money as may be necessary for any of the purposes of this Act (other than the purposes mentioned in the foregoing table and the purposes of Part V (Electricity) and Part VI (Omnibuses and tramways)) and such further money as may be necessary for the said purposes mentioned in the foregoing table and may borrow such money as may be necessary for the purposes of the said Parts V and VI with the consent as respects the said Part V of the Electricity Commissioners and as respects the said Part VI of the Minister of Transport.

(b) Any money borrowed under the provisions of 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 the said incorporated enactments.

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(c) In order to secure the repayment of any money borrowed under the provisions of this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister or commissioners with whose consent the money is borrowed.

Incorporation of certain provisions of Public Health Act 1875.

**141.** The following provisions of the Public Health Act, 1875 (that is to say) :—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Appointment of receiver);

shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

Incorporation of certain provisions of the former Acts.

**142.** The following provisions of the former Acts are incorporated with this Act and shall extend and apply thereto as if those provisions with any necessary modifications were set out in this Act (namely) :—

The Act of 1884—

Sections 89 to 141 (Being Part XI of that Act and relating to Corporation stock) as amended by the Acts of 1894 and 1898 and by the Orders of 1909 and 1914.

The Act of 1894—

Section 93 (As to repayment of borrowed moneys) as amended by the Order of 1909;

Section 94 (Power to re-borrow) as amended by the Order of 1909;

Section 96 (Application of borrowed moneys);

Section 97 (Corporation not to regard trusts);  
and

Section 98 (For protection of lenders) :

Provided as follows (that is to say) :—

(1) In construing the provisions of the said section 93 of the Act of 1894 for the purposes of this Act the periods for the repayment of moneys borrowed under the powers of this Act shall be the prescribed periods :

(2) Notwithstanding anything contained in the said section 93 the sums to be paid into the sinking fund shall be such several equal sums as will with accumulations by way of compound interest at the rate of three and a half per centum per annum or such other rate or rates as the Minister of Health may from time to time allow throughout the prescribed period be sufficient to pay off the moneys borrowed under the powers of this Act within that period : A.D. 1930.

(3) The first payment of an instalment or to a sinking fund shall be made within twelve months after the date of the borrowing of the money in respect of which such payment is to be made or after the first expenditure made in anticipation of such borrowing whichever shall be the earlier.

**143.**—(1) The treasurer shall if and when he is requested by the Minister of Health so to do transmit to the said 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 of Health 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 said 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 treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the said Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the said Minister out of the High Court.

(3) If it appear to the said 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

A.D. 1930. — or sum is required by any enactment relating to the statutory borrowing power or by the said 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 said 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 said 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 said Minister out of the High Court.

(4) Section 95 (Annual return to Local Government Board with respect to sinking fund) of the Act of 1894 and any provision (other than the foregoing provisions of this section) of any other enactment now in force in the city requiring an annual return to be made to the said Minister with regard to the repayment of debt is hereby repealed.

Interest on mortgages held jointly.

**144.** Section 122 (Dividends to joint holders) of the Act of 1884 shall extend and apply to mortgages and other securities of the Corporation as if they had been referred to in the said section in addition to Corporation stock.

Appointed auditors.

**145.**—(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 or of the London Association of Accountants Limited 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.”

(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



Corporation and may be for such term and subject to such conditions as the Corporation may think fit. A.D. 1930

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditor 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.

**146.**—(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. Revenue and expenses of trading undertakings.

(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 acquisition construction renewal extension and improvement of land buildings works equipment and conveniences for the purposes of such undertakings respectively.

**147.**—(1) As from the first day of April one thousand nine hundred and thirty-one the Corporation shall notwithstanding the provisions of any Act or Order to the Separate accounts in respect of

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trading  
under-  
takings.

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 "Revenue and expenses of trading 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 interest on any reserve fund authorised in connection therewith) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed 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 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 as far as may be 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.

Insurance  
fund.

**148.**—(1) The Corporation may if they think fit establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence

of the whole or any part of all or any of the following risks (that is to say):— A.D. 1930.

- (i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;
- (ii) Risk of accident and claims by third parties in respect of any vehicles belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power and generally in the carrying out by the Corporation of their duties as a local authority;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (v) Risks of injury to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation;
- (vi) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;
- (vii) Risks of loss due to infidelity of officials of the Corporation;
- (viii) Any other risk against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully

A.D. 1930.  
—

insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premium paid for the last-mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the insurance fund shall amount to three hundred thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below three hundred thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of three hundred thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of three hundred thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general rate fund and apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient and by arrangement

with the managers of any public elementary school or the governing body of any college secondary school institute or hostel not provided by the Corporation as the local education authority include in the risks insured under paragraph (iv) of subsection (1) of this section risks of accident to any teacher employed in any such school college institute or hostel. A.D. 1930.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister of Health and on such security as that Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister of Health may direct having regard to the risks through which such deficiencies arise.

**149.**—(1) 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 tramway undertaking the water undertaking the electricity undertaking and the markets undertaking of the Corporation) 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

A.D. 1930. — exceeding the amount which would be produced by a rate of twopence in the pound calculated in manner provided by rules from time to time made by the Minister of Health under the Rating and Valuation Act 1925.

(2) Except so far as the lands fund and the proceeds of sale of securities in which that fund is invested may from time to time be required for the purposes mentioned in subsection (1) of this section all moneys for the time being standing to the credit of the fund may be invested in statutory securities and the interest and annual proceeds arising from those securities may be similarly invested and accumulated as part of the said fund.

(3) When the lands fund shall amount to the sum of fifty thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of fifty thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of fifty thousand pounds.

Public  
entertain-  
ment ex-  
penses.

**150.** The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882 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 public bodies or associations or of distinguished persons residing in or visiting the city.

Payment of  
rates in  
respect of  
heredita-  
ments of  
Corporation.

**151.**—(1) The Corporation may at any time by resolution determine that the rates in respect of any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals less than quarterly shall be payable whether such hereditament is occupied or not subject to such abatement not exceeding fifteen per centum of the amount of such rates as the Corporation may from time to time determine.

(2) During such time as any such resolution as aforesaid shall remain in force the amount of the rates payable in respect of any such hereditament (after deducting the amount of such abatement as aforesaid) shall be carried from the appropriate fund of the Corporation to the credit of the general rate.

## PART XV.

A.D. 1930.

## MISCELLANEOUS.

**152.** The Corporation may provide or acquire or may on any pleasure ground or (subject to the approval of the Minister of Health) 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.

Power to  
provide  
public  
buildings  
&c.

**153.** Subject to the provisions of this Act—

- (1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall assembly room pavilion conservatory winter garden bandstand or other building provided by them under the powers of this Act or in any baths bathing pools or model yacht ponds belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such buildings baths bathing pools model yacht ponds or rooms belonging to them or any parks or recreation grounds for the purpose of such concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit :

Provision of  
concerts  
entertain-  
ments &c.

A.D. 1930.  
—

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

Provided also that the concerts entertainments and amusements which the Corporation may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Corporation shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the city) of any amateur dramatic society :

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



swimming contests athletic meetings exhibitions regattas or amusements given or provided in pursuance of this section :

A.D. 1930.

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

**154.**—(1) Notwithstanding anything contained in article 34 of the Cardiff (Extension) Order 1921 the Corporation may in any case in which they consider that there are special circumstances which render it desirable so to do permit the burial of any person in the burial ground formerly vested in the parish council of Llandaff referred to in the said article.

Burials in  
Llandaff  
burial  
ground.

(2) The Corporation may from time to time delegate to a committee the power conferred by subsection (1) of this section and in the event of their so doing the said subsection shall be read and have effect as if such committee had been referred to therein instead of the Corporation.

**155.** For the removal of doubts the notice referred to in section 38 (When slaughterhouse erected no cattle to be slaughtered elsewhere in the town) of the Act of 1835 shall be deemed to have been given in the manner prescribed by that section not less than fourteen days before the date of the passing of this Act.

Confirma-  
tion of  
restrictions  
as to  
slaughtering  
of cattle.

**156.** 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 V (Electricity) Provided that in the application of the said provisions to byelaws under Part XI (Employment agencies) of this Act the same

General  
provisions  
as to bye-  
laws.

A.D. 1930. — shall have effect with the substitution of the Secretary of State for the Minister of Health as the confirming authority.

Contribution to expenses by occupiers.

**157.** If the owner of any premises alleges that any occupier should bear or contribute to the expenses of complying with the requirements of the Corporation under the provisions of the sections of this Act of which the marginal notes are respectively "Means of escape from buildings in case of fire" and "Food storage accommodation to be provided" he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

Receipt in case of persons not sui juris.

**158.** If any money is payable under the provisions of this Act 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.

Power to enter premises.

**159.** 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 Parts VIII IX X and XI of this Act as if those purposes had been mentioned in the said section 102.

Arbitration.

**160.** Any question or difference which pursuant to this Act is to be settled by arbitration shall (except as otherwise provided by this Act or any enactment incorporated therewith) be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing such agreement appointed on the application of either party (after notice in writing to the other of them) 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 determination.

Inquiries by Minister of Health.

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

for the purposes of any such inquiry have all such powers as they have for the purpose of inquiries directed by that Minister under the Public Health Act 1875.

A.D. 1930.

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

**162.** A judge of any court or a justice shall not be disqualified from acting in the execution of the former Acts or this Act or in any proceedings with respect to the recovery of the general rate or otherwise by reason of being liable to such rate.

Judges not  
disqualified.

**163.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with any necessary modifications extend and apply to the purposes of this Act as if the same were re-enacted herein.

Application  
of section  
265 of  
Public  
Health Act  
1875.

**164.** 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 byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the city.

Informa-  
tions by  
whom to  
be laid.

**165.** 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.

Recovery of  
penalties  
&c.

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

Damages  
and charges  
to be settled  
by court.

A.D. 1930.

Recovery of  
demands.

**167.** 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.

Compensa-  
tion how to  
be deter-  
mined.

**168.** 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.

Saving for  
indictments  
&c.

**169.** 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.

As to  
appeals.

**170.** 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 Part VIII (Streets and buildings) or Part IX (Sanitary and public health) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Powers of  
Act cumu-  
lative.

**171.** 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.

A.D. 1930.  
—

**172.** The Corporation or any other body or person shall not under the powers of this Act construct or place on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

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

**173.** 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 of the former Acts the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by  
Minister of  
Transport.

A.D. 1930.

—  
Crown  
rights.

**174.** 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 or any other body or person to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments 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.

**175.** All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the general rate fund and general rate but ultimately out of money borrowed under the authority of this Act for that purpose.

[20 & 21 GEO. 5.]

*Cardiff*  
*Corporation Act, 1930.*

[Ch. clxxiv.]

The SCHEDULES referred to in the  
foregoing Act.

A.D. 1930.

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THE FIRST SCHEDULE.

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FORMER ACTS AND ORDERS.

- 5 & 6 Wm. 4. An Act for removing the markets held in the town  
c. li. of Cardiff in the county of Glamorgan and for  
providing other market places in lieu thereof.
- 7 Wm. 4. An Act for better paving cleansing lighting and  
c. xviii. otherwise improving the town of Cardiff in the  
county of Glamorgan.
- 13 & 14 Vict. A Provisional Order relating to the borough  
c. cviii. of Cardiff confirmed by the Public Health  
Supplemental Act 1850 (No. 3).
- 16 Vict. c. xxiv. The Cardiff Waterworks Act 1853.
- 21 & 22 Vict. The Llandaff and Canton District Markets Act  
c. cv. 1858.
- 22 & 23 Vict. A Provisional Order relating to the borough of  
c. xi. Cardiff confirmed by the Local Government  
Supplemental Act 1859 (No. 2).
- 23 & 24 Vict. The Cardiff Waterworks Act 1860.  
c. cv.
- 25 & 26 Vict. The Cardiff Borough Act 1862.  
c. cxxiii.
- 28 & 29 Vict. A Provisional Order relating to the borough of  
c. cviii. Cardiff confirmed by the Local Government  
Supplemental Act 1865 (No. 5).
- 34 & 35 Vict. The Cardiff Improvement Act 1871  
c. clxi.
- 36 & 37 Vict. A Provisional Order relating to the borough of  
c. i. Cardiff confirmed by the Local Government  
Board's Provisional Orders Confirmation Act  
1873.
- 38 & 39 Vict. The Cardiff Improvement Act 1875.  
c. clxxxvii.
- 41 & 42 Vict. The Cardiff Waterworks Act 1878.  
c. cxliv.
- 42 & 43 Vict. The Cardiff Corporation Act 1879.  
c. cxxxiii.

- A.D. 1930. 45 Vict. A Provisional Order relating to the Port of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation Act 1882.  
c. xxxiii.
- 47 & 48 Vict. The Cardiff Corporation Act 1884.  
c. ccxxii.
- 50 & 51. Vict. The Cardiff Corporation Act 1887.  
c. lx.
- 51 & 52 Vict. A Provisional Order relating to the borough of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1888.  
c. xl.
- 53 & 54 Vict. A Provisional Order relating to the borough of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1890.  
c. clxxvii.
- 54 & 55 Vict. A Provisional Order relating to the borough of Cardiff confirmed by the Electric Lighting Orders Confirmation (No. 8) Act 1891.  
c. civ.
- 57 Vict. c. xxii. A Provisional Order relating to the Port of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1894.
- 57 & 58 Vict. The Cardiff Corporation Act 1894.  
c. clxi.
- 58 & 59 Vict. A Provisional Order relating to the borough of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1895.  
c. lxxxv.
- 61 & 62 Vict. The Cardiff Corporation Act 1898.  
c. cxxviii.
- 1 Edw. 7. c. lx. The Cardiff Corporation Act 1901.
- 2 Edw. 7. A Provisional Order relating to the borough of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902.  
c. lxxxiv.
- 3 Edw. 7. A Provisional Order relating to the borough of Cardiff confirmed by the Tramways Orders Confirmation (No. 1) Act 1903.  
c. cxlv.
- 4 Edw. 7. A Provisional Order relating to the borough of Cardiff confirmed by the Local Government Board's Provisional Order Confirmation (No. 15) Act 1904.  
c. cxxii.



[20 & 21 GEO. 5.] *Cardiff* [Ch. clxxiv.]  
*Corporation Act, 1930.*

- |                               |  |                 |
|-------------------------------|--|-----------------|
| 4 Edw. 7.<br>c. cxiv.         | A Provisional Order relating to the borough of Cardiff confirmed by the Education Board Provisional Order Confirmation (Cardiff) Act 1904.                           | A.D. 1930.<br>— |
| 9 Edw. 7.<br>c. cxix.         | A Provisional Order relating to the city of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1909.                      |                 |
| 9 Edw. 7.<br>c. clxi.         | The Cardiff Corporation Act 1909.  |                 |
| 4 & 5 Geo. 5.<br>c. xiv.      | A Provisional Order relating to the city of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1914.                      |                 |
| 5 & 6 Geo. 5.<br>c. xcii.     | A Provisional Order relating to the city of Cardiff confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1915.                      |                 |
| 9 & 10 Geo. 5.<br>c. cxi.     | A Provisional Order relating to the city of Cardiff confirmed by the Provisional Order (City of Cardiff Police and Fire Brigade Pension Fund) Confirmation Act 1919. |                 |
| 10 & 11 Geo. 5.<br>c. cxlii.  | The Cardiff Corporation Act 1920.  |                 |
| 12 & 13 Geo. 5.<br>c. ix.     | A Provisional Order relating to the city of Cardiff confirmed by the Ministry of Health Provisional Order Confirmation (Cardiff Extension) Act 1922.                 |                 |
| 13 & 14 Geo. 5.<br>c. lxxiii. | A Provisional Order relating to the city of Cardiff confirmed by the Ministry of Health Provisional Orders Confirmation (No. 9) Act 1923.                            |                 |
| 17 & 18 Geo. 5.<br>c. xliv.   | The Cardiff Corporation Tramways Order Confirmation Act 1927.  |                 |
| 18 & 19 Geo. 5.<br>c. xviii.  | A Provisional Order relating to the city of Cardiff confirmed by the Ministry of Health Provisional Orders Confirmation (No. 4) Act 1928.                            |                 |
| 20 Geo. 5. c. i.              | A Provisional Order relating to the city of Cardiff confirmed by the Ministry of Health Provisional Orders Confirmation (No. 3) Act 1929.                            |                 |

A.D. 1930.

## THE SECOND SCHEDULE.

## ADDITIONAL LANDS.

## PART I.

In the county of Brecknock—

(a) Lands and hereditaments in the parish of Cantref in the rural district of Brecknock containing 109·9 acres or thereabouts bounded on the north by land belonging or reputed to belong to the Corporation on the east and north-east by common land on the south-east by the centre line of the stream known as Nant Llysiog forming the boundary between the parishes of Cantref and Vaynor and on the west by the Brecon and Merthyr County Road.

(b) Lands in the said parish of Cantref containing 2·5 acres or thereabouts bounded on the east by the said Brecon and Merthyr County Road on the north by lands belonging or reputed to belong to the Corporation on the west by the centre line of the river Taf Fawr and on the south by the centre line of the said stream known as Nant Llysiog.

(c) Lands and hereditaments in the parish of Vaynor in the rural district of Vaynor and Penderyn containing 246·9 acres or thereabouts bounded on the north-west by the lands (a) hereinbefore described on the north-east and east by common land on the south by land belonging or reputed to belong to the Corporation and on the west by the said Brecon and Merthyr County Road.

(d) Lands and hereditaments in the said parish of Vaynor containing 14·9 acres or thereabouts bounded on the north by the centre line of the said stream known as Nant Llysiog on the east in part by the said Brecon and Merthyr County Road between the said northern boundary and a point 15 yards or thereabouts northward of the milestone indicating 13 miles from Brecon and in other part by the left bank of the said river Taf Fawr on the south in part by land belonging or reputed to belong to the Corporation and in other part by the weir constructed across the said river Taf Fawr 93 yards or thereabouts southward of the bridge known as Pontnewydd-ar-Daf and on the west in part by the centre line of the said river Taf Fawr and in other part by the western boundary of the enclosure numbered 28A on the  $\frac{1}{2500}$  Ordnance map (edition of 1904) Brecknock sheet XLV. 3.

(*e*) Lands in the said parish of Vaynor forming part of the farm known as Hendre containing 4·78 acres or thereabouts and comprising the enclosures numbered 192 and 186 on the  $\frac{1}{2500}$  Ordnance map (edition of 1904) Brecknock sheet XLV. 8 and so much of the enclosure numbered 195 on the said Ordnance map as is situate north-westward of an imaginary line in continuation of the south-eastern boundaries of the said enclosures numbered 192 and 186. A.D. 1930.

(*f*) Lands and hereditaments in the parish of Penderyn in the said rural district of Vaynor and Penderyn containing 393·4 acres or thereabouts bounded on the east in part by lands belonging or reputed to belong to the Corporation in other part by the lands (*a*) and (*d*) hereinbefore described and in other part by the district road leading from Brecon to Penderyn on the north and south by land belonging or reputed to belong to the Corporation and on the west in part by common land and in other part by land belonging or reputed to belong to the Corporation.

(*g*) Lands in the said parish of Penderyn containing 10·5 acres or thereabouts bounded on the north and north-east by land belonging or reputed to belong to the Corporation on the east in part by the centre line of so much of the said river Taf Fawr as is in the said parish and in other part by the eastern boundary of the enclosure numbered 1808 on the  $\frac{1}{2500}$  Ordnance map (edition of 1904) Brecknock sheet XLV. 12 on the south by the stream adjoining the southern boundary of the last mentioned enclosure and on the west by the fence (erected along the eastern boundaries of or across the enclosures numbered 1811 1810 1803 1804 1707 and 1671 on the said Ordnance map and the  $\frac{1}{2500}$  Ordnance maps edition of 1905 Brecknock sheets XLV. 11 and XLV. 7) of the temporary works railway of the corporation.

## PART II.

In the county of Glamorgan—

Lands and premises in the city containing one acre or thereabouts bounded on the west in part by North Road between Blackweir Terrace and a point 169 yards or thereabouts northward of the junction of Blackweir Terrace with North Road and in part by the eastern side of Blackweir Terrace on the north-east by land belonging or reputed to belong to the Great Western Railway Company and on the south-east in part by Blackweir Terrace and in part by an imaginary line drawn in an easterly direction in continuation of the southern side of Blackweir Terrace such lands and premises comprising the premises known as Nos. 102 104 106 and 108 in North Road and Nos. 1 3 5 7 9 11 and 13 in Blackweir Terrace and lands adjoining the same and in part forming the site of a private railway siding.

A.D. 1930.

## PART III.

In the county of Glamorgan—

Lands in the city containing two roods or thereabouts bounded on the north-west by lands of the Corporation adjoining their Llanishen reservoir on the east by a line drawn in a southerly direction in continuation of the eastern boundary of the said lands of the Corporation on the south-east by an imaginary line drawn in a north-easterly direction in continuation of the south-eastern boundary of the said lands of the Corporation together with a strip of land 18 feet or thereabouts in width extending in a north-westerly direction from Rhyd-y-Penau Road and including part of the premises known as "Brooklyn" Rhyd-y-Penau Road.

## PART IV.

In the county of Glamorgan—

Lands in the city bounded by an imaginary line commencing at the junction with low-water mark of ordinary tides of the channel forming part of the Cardiff main sewer outfall passing thence along the centre of that channel to high-water mark of ordinary tides thence along such high-water mark to the southern extremity of the fence forming the eastern boundary of the property of the Great Western Railway Company thence along that fence to its junction with Muirton Road thence along the southern and eastern sides of Muirton Road to a point 70 feet northward of the main entrance to Splott Park thence along the southern and eastern sides of certain lands belonging to the Corporation and intended as the site of an elementary school to and along the southern boundary of the enclosure numbered 189 on the  $\frac{1}{2500}$  Ordnance map (edition of 1919) Glamorgan sheet XLIII. 12 Monmouthshire sheet XXXVII. 12 to and along the south-western side of the Reen forming the boundary between the enclosure numbered 199 on the said Ordnance map and on the  $\frac{1}{2500}$  Ordnance map (edition of 1919) Glamorgan sheet XLIII. 16 Monmouthshire sheet XXXVII. 16 and the enclosures numbered on the said Ordnance maps or one of them 200 and 397 to the sea-bank thence along the said sea-bank to the southernmost point of the enclosure numbered 172 on the first mentioned Ordnance map thence along the south-eastern boundary of the last mentioned enclosure to and along the fence forming the boundary between the enclosures numbered 170 and 173 on the said first mentioned Ordnance map and in continuation of the line of the last mentioned fence to the centre of the river Rhymney thence along the centre of the said river to its junction with low-water mark of ordinary tides thence along the said low-water mark to the point of commencement hereinbefore described.

[20 & 21 GEO. 5.] *Cardiff* [Ch. clxxiv.]  
*Corporation Act, 1930.*

THE THIRD SCHEDULE.

A.D. 1930.

DESCRIPTIONS OF PROPERTIES OF WHICH PORTIONS ONLY  
MAY BE ACQUIRED BY THE CORPORATION.

Area.	Numbers on deposited plans.
City of Cardiff	21 40 41 42 43 44 45 46 47 55 56 58 59 60 61 62 68 69 70 71 72 73 74 87 90.

THE FOURTH SCHEDULE.

REDUCTION OF PROPORTION OF SUPERANNUATION  
ALLOWANCE ALLOCATED TO WIFE.

Age of wife at husband's age of 65.	Rate per centum of reduction.
64	$3\frac{1}{2}$
63	$6\frac{1}{2}$
62	$9\frac{1}{4}$
61	12
60	$14\frac{1}{4}$
59	$16\frac{1}{2}$
58	$18\frac{1}{2}$
57	$20\frac{1}{2}$
56	$22\frac{1}{4}$
55	24

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