

**CHAPTER clxxxii.**

An Act to extend the boundaries of the borough of Bournemouth to empower the mayor aldermen and burgesses of the borough to provide a separate police force to run trolley vehicles and omnibuses within and beyond the borough and to abandon and discontinue the tramways of the Corporation to make further provision with regard to the health local government and improvement of the borough and for other purposes.

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[1st August 1930.]

WHEREAS the existing borough of Bournemouth (in the preamble to this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas the unrepealed provisions of the local Acts specified in Part I of the First Schedule to this Act and of the Orders specified in Part II of that schedule are in force in the borough:

And whereas the parish of Holdenhurst in the rural district of Christchurch in the administrative county of Southampton and the parish of Kinson in the rural district of Poole in the administrative county of Dorset immediately adjoin the borough:

And whereas it is expedient to alter and extend the boundaries of the borough so as to include therein the

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parish of Kinson and so much of the parish of Holdenhurst as is coloured pink on the borough map referred to in this Act and to alter and extend the boundaries of the parish of Bournemouth so as to include therein the said parish and part of a parish :

And whereas it is expedient to provide that nothing in section 215 of the Municipal Corporations Act 1882 shall prevent the establishment of a new separate police force for the borough and for the borough as extended by this Act not consolidated with the county police force or the rescinding of any agreement purporting to have been made between the Corporation and the county council of the administrative county of Southampton :

And whereas by the Bournemouth Corporation Act 1904 the Corporation were empowered to construct maintain and work the tramways therein referred to :

And whereas it is expedient to empower the Corporation to provide and work mechanically propelled vehicles adapted for use along roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called " trolley vehicles "):

And whereas powers with regard to the running of omnibuses were conferred upon the Corporation by the said Act of 1904 and it is expedient to extend the powers of the Corporation with reference to the running of omnibuses as in this Act set forth :

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

And whereas the Corporation are the burial authority under the Burial Acts 1852 to 1906 within the Bournemouth burial area and it is expedient that such area should be extinguished and that the said Acts should cease to apply to the part of the borough included in such area and that all property rights powers and duties vested in the Corporation as the authority for executing the said Acts in the said area should be vested in the Corporation as an urban district council and that all burial grounds and cemeteries which may then belong to them in any

[20 & 21 GEO. 5.] *Bournemouth* [Ch. clxxxi.]
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capacity should also be vested in them as an urban district council under the Public Health Acts and that the provisions of those Acts should apply to all such burial grounds and cemeteries and that the surplus moneys in the hands of the Corporation as such authority as aforesaid in respect of the Wimborne Road Cemetery should be dealt with as in this Act provided : A.D. 1930.

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

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

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

	£
(a) The provision of trolley vehicles -	300,000
(b) The provision and adaptation of electrical equipment and the construction of other works necessary for working such trolley vehicles -	157,000
(c) The provision of omnibuses -	300,000
(d) The erection and adaptation of buildings for the purposes of trolley vehicles and omnibuses -	80,000
(e) The reconstruction of the roads upon which tramways to be removed and discontinued under this Act are situate -	63,000

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

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

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

A.D. 1930. 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 Bournemouth Corporation Act 1930.

Division of Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Extension of boundaries.
- Part III.—Police and hackney carriages.
- Part IV.—Trolley vehicles omnibuses and tramways.
- Part V.—Streets buildings and drains.
- Part VI.—Infectious disease and sanitary matters.
- Part VII.—Baths &c. and parks and recreation grounds.
- Part VIII.—Acquisition &c. of land and town planning.
- Part IX.—Sale of coke.
- Part X.—Weighing machines.
- Part XI.—Financial provisions.
- Part XII.—Miscellaneous provisions.

Incorporation of Lands Clauses Acts.

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

- (a) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;
- (b) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands).

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Public Health Acts shall have the same respective meanings unless there be

something in the subject or context repugnant to such construction. A.D. 1930.

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

“ The borough ” means—

(a) In Part I and Parts III to XII inclusive the borough of Bournemouth;

(b) In Part II the existing borough of Bournemouth as extended by this Act;

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

“ The council ” means the council of the borough;

“ The mayor ” “ the town clerk ” “ the treasurer ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the mayor the town clerk the treasurer the medical officer of health the surveyor and the sanitary inspector of the borough and include respectively any person duly authorised to discharge temporarily the duties of those offices respectively;

“ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;

“ The local Acts ” means the local Acts specified in Part I of the First Schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders;

“ The appointed day ” means the first day of April nineteen hundred and thirty-one;

“ The borough map ” means the map marked “ Bournemouth extension borough map ” and signed in triplicate by Thomas Lowth the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

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- “ The ward map ” means the map marked “ Map of the wards of the borough of Bournemouth as extended by the Bournemouth Corporation Act 1930 ” and signed in triplicate by Thomas Lowth the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;
- “ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day;
- “ The added areas ” means the part of the existing parish of Holdenhurst in the rural district of Christchurch in the administrative county of Southampton coloured pink on the borough map and the existing parish of Kinson in the rural district of Poole in the administrative county of Dorset added to the borough;
- “ The added part of Holdenhurst ” means the part of the existing parish of Holdenhurst coloured pink on the borough map;
- “ The county of Southampton ” means (except in the section of this Act of which the marginal note is “ Alteration of county boundary ”) the administrative county of Southampton;
- “ The Southampton County Council ” means the county council of the county of Southampton;
- “ The county of Dorset ” means (except in the section of this Act of which the marginal note is “ Alteration of county boundary ”) the administrative county of Dorset;
- “ The Dorset County Council ” means the county council of the county of Dorset;
- “ The Act of 1888 ” “ the Act of 1894 ” and “ the Act of 1929 ” mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;

- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925; A.D. 1930.
- “ Provisional Order ” includes a Special Order;
- “ The Minister ” means the Minister of Health;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ Trolley vehicle ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;
- “ Omnibus ” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;
- “ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847;
- “ Road authority ” means in Part IV of this Act with reference to any road or part of a road over which any proposed trolley vehicle or omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;
- “ 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 borough;
- “ Sunday school ” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “ Child ” means a person under the age of sixteen years;
- “ Food ” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;
- “ Daily penalty ” means a penalty for every day on which an offence is continued by a person after conviction thereof;

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

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

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

PART II.—EXTENSION OF BOUNDARIES.

Boundaries.

Commence-
ment of this
Part of Act.

5. Save as otherwise expressly provided this Part of this Act shall come into operation on the appointed day :

Provided that for the purposes of—

- (a) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts;

(b) all proceedings preliminary or relating to any election to be held in the year nineteen hundred and thirty-one for any area affected by this Act; and

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(c) the preparation of any precept or contribution order to be issued or made on or after the appointed day;

this Part of this Act shall operate from the date of the passing of this Act.

6.—(1) The boundary of the existing borough the area whereof is coloured blue on the borough map shall be altered so as to include in addition to that area so much of the rural district of Christchurch in the county of Southampton as comprises the part of the existing parish of Holdenhurst coloured pink on the borough map and so much of the rural district of Poole in the county of Dorset as comprises the existing parish of Kinson coloured pink on the borough map.

Extension
of borough.

(2) The boundary of the borough shall be that shown by the inner edge of the purple line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and shall be the county borough of Bournemouth for the purposes of the Act of 1888 and for all other purposes.

7.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent by him as soon as may be after the passing of this Act to the clerk to the Southampton County Council to the clerk to the Dorset County Council to the clerk to the rural district council of Christchurch to the clerk to the rural district council of Poole to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Transport to the Minister of Agriculture and Fisheries to the Postmaster-General and to the Electricity Commissioners and copies of the ward map so deposited and certified in like manner shall be sent by the town clerk within the said period to the Minister to the Registrar-General and to the Minister of Agriculture and Fisheries.

Borough
and ward
maps.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true

A.D. 1930, shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of any area altered by this Part of this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Alteration
of county
boundary.

8.—(1) The boundary between the county of Southampton and the county of Dorset shall be altered so that the borough shall be wholly situate in the county of Southampton and the county borough of Bournemouth shall for the purposes of the Act of 1888 including the purposes of any commission of assize oyer and terminer or gaol delivery the service and qualification of jurors the making up of the jurors' book sheriff lieutenant and territorial army be within the county of Southampton.

(2) Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connection with any action or proceeding pending or existing at the appointed day and appertaining to the existing parish of Kinson shall be delivered turned over or transferred and signed in like manner in all respects so nearly as circumstances admit as is required to be done upon a new sheriff coming into office and as if the sheriff of the county of Southampton were as respects the existing parish of Kinson the new sheriff in succession to the sheriff of the county of Dorset.

Alteration
of parishes.

9. The added part of Holdenhurst and the existing parish of Kinson shall be added to and form part of the parish of Bournemouth.

Provisions Consequent on Extension.

Existing
mayor alder-
men and
councillors.

10. The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become

the mayor aldermen and councillors of the borough but shall respectively retire from office on the day on which they would have retired from office if this Part of this Act had not been passed. A.D. 1930.
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11.—(1) The number of councillors of the borough shall be increased from thirty-three to thirty-six and the number of aldermen shall be increased from eleven to twelve. Municipal wards aldermen and councillors.

(2) Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards or the number of councillors the following provisions shall have effect:—

(a) For the purposes of the election of councillors the borough shall be divided into twelve wards;

(b) The added part of Holdenhurst shall be included in the wards of the existing borough as follows:—

(i) so much of the added part of Holdenhurst as is coloured brown on the ward map shall be included in the Southbourne Ward;

(ii) so much of the added part of Holdenhurst as is coloured mauve on the ward map shall be included in the Boscombe East Ward;

(iii) so much of the added part of Holdenhurst as is coloured yellow on the ward map shall be included in the Springbourne Ward;

(iv) so much of the added part of Holdenhurst as is coloured blue on the ward map shall be included in the Malmesbury Park Ward;

(v) so much of the added part of Holdenhurst as is coloured green on the ward map shall be included in the Moordown Ward;

and the councillors representing the said wards respectively immediately before the appointed day shall be deemed on and after that day to represent the said wards as respectively altered by this section;

(c) So much of the added areas as comprises the existing parish of Kinson shall be constituted a new ward of the borough to be called "the Kinson Ward" and three councillors shall be assigned to that ward.

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Election of
additional
alderman
and coun-
cillors.

12. The first election of councillors for the Kinson Ward shall be held in the month of March nineteen hundred and thirty-one and the first election of the additional alderman of the borough shall be held at the first meeting of the council after the election of councillors for the Kinson Ward and the mayor and the town clerk or such other persons as the Secretary of State shall appoint shall perform the duties devolving upon a mayor and town clerk respectively under the Municipal Corporations Acts and at every election for the said ward until the first day of November nineteen hundred and thirty-one the mayor shall be the returning officer but he may appoint some other person to act as returning officer.

Retirement
of coun-
cillors and
alderman.

13.—(1) The councillors for the Kinson Ward elected in the year nineteen hundred and thirty-one in pursuance of this Part of this Act shall retire as follows:—

- (a) The councillor who is elected by the smallest number of votes on the first day of November nineteen hundred and thirty-one;
- (b) The councillor who is elected by the largest number of votes on the first day of November nineteen hundred and thirty-three;
- (c) The other councillor on the first day of November nineteen hundred and thirty-two.

(2) If for any reason it is doubtful which of the councillors ought to retire on a date mentioned in this section the question shall be determined at the first or second meeting of the council held after the appointed day by lot conducted under the direction of the person presiding at that meeting.

(3) The additional alderman elected in pursuance of this Part of this Act shall retire on the ninth day of November nineteen hundred and thirty-three.

County and
Borough
Councils
(Qualification)
Act 1914.

14. For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added areas shall be deemed to have always formed part of the borough.

County
electoral
division.

15. Each of the added areas shall be separated from the county electoral division of which it forms part and

the persons who immediately before the appointed day are the county councillors representing the Christchurch rural electoral division of the county of Southampton and the Canford electoral division of the county of Dorset respectively shall be deemed to have been elected to represent those divisions as altered respectively by this Part of this Act and shall retire on the dates on which they would have retired respectively if this Part of this Act had not been passed. A.D. 1930.

16.—(1) The powers and duties of the quarter sessions recorder clerk of the peace and coroner of the existing borough and of the justices of the peace appointed for the existing borough and of the clerk to those justices shall extend to and apply throughout the borough : Jurisdiction powers and duties of quarter sessions &c. extended.

Provided that—

- (a) every person committing an offence in either of the added areas prior to the appointed day shall be tried and dealt with as if this Part of this Act had not been passed;
- (b) every proceeding which prior to the appointed day has been begun by or is pending before any justice or any coroner in relation to any matter arising in or concerning either of the added areas may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Part of this Act had not been passed.

(2) The part of the added areas consisting of the existing parish of Kinson shall cease to form part of any petty sessional division of the county of Dorset and the justices for the county of Southampton shall have jurisdiction over the added areas except in such matters as are by the charter of the Corporation or this Part of this Act vested exclusively in the court of quarter sessions for the borough.

(3) The added areas shall cease to form part of any petty sessional division or coroner's district of the county of Southampton or the county of Dorset.

17. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing borough Corporation property liabilities &c.

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(not being property held on any charitable trust) shall by virtue of this Part of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing borough shall on that day attach to them in respect of the borough.

Mortgage
debts of
Corporation.

18.—(1) So much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate of the existing borough or the revenues of the existing borough shall be charged upon the corresponding fund or rate of the borough or the revenues of the borough.

(2) All borrowed moneys to which this section applies with the interest thereon shall be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Transfer of
public
elementary
schools.

19.—(1) For the purposes and subject to the provisions of the Education Act 1921—

(a) any public elementary school provided by the Southampton County Council or the Dorset County Council as local education authority and situate within either of the added areas and the furniture fittings books and apparatus belonging to such county council respectively of any public elementary school within such area shall by virtue of this Part of this Act be transferred to and vest in the Corporation as the local education authority for all the estate and interest therein of the county council as the local education authority;

(b) all contracts debts and liabilities which immediately before the appointed day are existing or are owing by or attach to either of the said county councils in respect exclusively of any public elementary school within the added areas

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or of the furniture fittings books or apparatus or with respect to the officers teachers and servants of any public elementary school within the added areas shall by virtue of this Part of this Act enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority;

- (c) section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section;
- (d) subject to any adjustment which may hereafter be made the liability for repayment of so much of any loan raised exclusively in respect of any public elementary school or of the furniture fittings books or apparatus transferred to and vested in the Corporation by virtue of this Part of this Act as will be owing immediately before the appointed day and the liability for the payment of interest on that part of any such loan shall by virtue of this Part of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as will then be owing shall be charged on the general rate fund and general rate and shall be repaid by the Corporation within the period if any for which that part of the loan was originally sanctioned or within which that part of the loan is otherwise required to be repaid or is made repayable.

(2) In this section "public elementary school" includes the site and schoolhouse and also any land acquired and held by either of the said county councils as the local education authority for purposes of elementary education.

20. Any manager of any public elementary school within the added areas who was appointed by a county council a rural district council or a parish council shall vacate office on the appointed day. School managers.

21.—(1) On the appointed day such members (if any) of the police force of the county of Dorset as before that day shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county of Dorset and the Dorset county police.

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joint standing joint committee of the county of Southampton and of the borough or in default of agreement by the Secretary of State shall be transferred to and become part of the joint police force of the county of Southampton and of the borough :

Provided that no member of the police force of the county of Dorset shall be so transferred without his consent.

(2) Every member of the police force of the county of Dorset so transferred shall hold office in the said joint police force upon the same tenure and subject to the same terms and conditions as the other serving members of the said joint police force of the same rank as that member and any period of service which the transferred member was entitled to reckon before the transfer for purposes of pay promotion or pension in the police force of the county of Dorset shall be reckoned for the same purpose in the said joint police force :

Provided that where the scale of ordinary pensions applicable to a member of the police force of the county of Dorset who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

(3) The provisions of subsection (2) of section 8 of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of a police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county of Dorset and notwithstanding that at the date of the transfer that member may not have completed one year's approved service in the police force of the county of Dorset.

County
police
stations &c.

22. Any county police station situate within the added areas and any residence for a constable or cell so situate and the fittings and furniture of any such police station residence or cell shall by virtue of this Part of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council to which it belonged and section 68 (Adjustment of property and liabilities) of the Act of

1894 shall apply with respect to any adjustment for the purposes of this section. A.D. 1930.

23.—(1) The number of councillors of the Christchurch and Poole Rural District Councils shall be reduced by one and three respectively. As to rural district councillors.

(2) The persons who immediately before the appointed day are the rural district councillors for the parishes of Holdenhurst and Kinson respectively shall at such appointed day cease to hold that office.

(3) If between the passing of this Act and the appointed day any casual vacancy shall occur in the office of rural district councillor for the parish of Holdenhurst or the parish of Kinson respectively the vacancy shall not be filled.

24. The Southampton County Council and the Dorset County Council and the rural district councils of Christchurch and Poole respectively shall cease to exercise any powers or discharge any duties within any part of the added areas. Powers of county and district councils.

25. Subject to the provisions of this Part of this Act and to any necessary adjustments— Property &c. of rural district councils.

(1) any property or liabilities which immediately before the appointed day are vested in or attach to the rural district councils of Christchurch and Poole respectively in relation exclusively to any portion of the added areas shall by virtue of this Part of this Act be transferred to and vest in or attach to the Corporation as the urban authority for the execution of the Public Health Acts :

(2) any property or liabilities which immediately before the appointed day are vested in or attach to the said rural district councils respectively in relation to any portion of the added areas conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

26.—(1) Subject to the provisions of this Part of this Act any powers or duties vested in or imposed on either of the parish councils of the existing parishes of Holdenhurst and Kinson shall be vested in or imposed on the Corporation. Powers property &c. of parish councils.

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(2) Any property or liabilities held or incurred by either of the said parish councils shall by virtue of this Part of this Act be transferred to and vest in or attach to the Corporation.

(3) The parish councils of the existing parishes of Kinson and Holdenhurst shall cease to exist.

Assessment areas and committees.

27.—(1) The added areas shall cease to be within the New Forest Assessment Area and the East Dorset Assessment Area respectively and shall form part of the Bournemouth Assessment Area.

(2) The County of Dorset (Assessment Areas and Assessment Committees) Schemes 1926 and 1930 and the County of Southampton (Assessment Areas and Assessment Committees) Scheme 1926 shall respectively have effect as if for reference to the existing rural districts of Christchurch and Poole there were substituted references to those rural districts as altered by this Act.

(3) Any person who immediately before the appointed day represents the existing borough on the Bournemouth Assessment Committee or the existing rural districts of Christchurch and Poole on the New Forest and East Dorset Assessment Committees respectively shall be deemed to have been appointed to represent the borough or the rural districts as altered by this Act (as the case may require) on that committee.

County valuation committees.

28. The representatives of assessment committees on the county valuation committees of the Dorset County Council and the Southampton County Council shall represent the respective assessment areas as altered by this Part of this Act but shall vacate office on the respective dates on which they would have retired from office if this Act had not been passed.

As to part of parish of Holdenhurst not included in borough.

29. On and after the appointed day so much of the existing parish of Holdenhurst as is not included within the borough shall be transferred to and form part of the parish of Hurn in the rural district of Christchurch and the rural district councillor representing that parish on the Christchurch Rural District Council shall on the appointed day become the rural district councillor for the parish of Hurn as so altered but shall retire from office on the day on which he would have retired from office if this Act had not been passed.

30.—(1) Subject to the provisions of this Part of this Act the unrepealed provisions of the local Acts and of any other local Act or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough on the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

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Local Acts.

(2) The provisions of any protective section for the benefit of the Southampton County Council the Dorset County Council the Christchurch Rural District Council or the Poole Rural District Council (or the predecessors of any such council) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added areas enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to such council or their predecessors as the case may be.

31.—(1) The provisions of—

- (a) The Baths and Washhouses Acts 1846 to 1925;
- (b) The Infectious Disease (Prevention) Act 1890;
- (c) The Public Health Acts Amendment Act 1890;
- (d) The Museums and Gymnasiums Act 1891;
- (e) The Private Street Works Act 1892;
- (f) The Public Libraries Acts 1892 to 1919;
- (g) The Health Resorts and Watering Places Act 1921;
- (h) The Local Government and other Officers' Superannuation Act 1922; and
- (i) Parts II. III. IV. and V. of the Public Health Act 1925;

Adoptive
Acts.

shall be in force within and apply to the borough.

(2) The provisions of any adoptive Act in force in any part of the added areas immediately before the appointed day shall subject to the provisions of this section cease to be in force within and apply to such part of the added areas.

A.D. 1930.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas and any such order in force immediately before that day within the added areas or any part thereof shall save as hereinbefore provided cease to be in force in the added areas or such part thereof.

Orders
under Shop
Hours Act
1904 or
Shops Acts
1912 to
1928.

32. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders
under
Wild Birds
Protection
Acts.

33. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added areas and any order under those Acts which is then in force in the county of Southampton or the county of Dorset shall cease to extend to the added areas.

Orders
under
section 33
of Act of
1894.

34. The powers duties and liabilities transferred to or conferred upon the Corporation by the order of the Local Government Board under section 33 of the Act of 1894 dated the twenty-second day of April eighteen hundred and ninety-nine in so far as such provisions are still in force and still have effect shall be deemed to have been transferred to or conferred on the Corporation.

Orders
under
Public
Health Acts
Amendment
Act 1907
or Public
Health Act
1925.

35. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 :—

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such parts or sections were accordingly declared to be in force within the borough;

- (2) Any other order under either of those Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas; A.D. 1930.
- (3) The provisions of any order made before the appointed day and declaring to be in force within any part of the added areas any parts or sections of either of those Acts shall cease to apply to such part of the added areas and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force within such part of the added areas but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

36.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within any part of the added areas immediately before the appointed day shall— Byelaws
regulations
&c.

- (a) If made before the first day of January nineteen hundred and twenty continue to apply to the existing borough or to such part of the added areas as the case may be for three years after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of three years cease to be in force within the borough;
- (b) If made on or after the first day of January nineteen hundred and twenty continue to apply to the existing borough or to such part of the added areas as the case may be until repealed or altered by the Corporation.

(2) Notwithstanding the foregoing provisions of this section any such byelaws in force in the existing borough may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be continued and be extended with or without modification to the added areas.

(3) All other byelaws made by the Corporation and in force immediately before the appointed day shall apply to the borough until repealed or altered and all byelaws

A.D. 1930. — made by the Southampton County Council or the Dorset County Council or the standing joint committee of either of the said counties shall on that day cease to apply within the added areas.

(4) In their application to the added areas any byelaws continued in force by this section shall have effect as if they had been made by the Corporation and as if the added areas or the part thereof to which such byelaws apply were referred to therein instead of the area to which they apply immediately before the appointed day.

(5) Any proceedings which if this Part of this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation.

(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

(7) The foregoing provisions of this section shall not apply to any regulations made by the standing joint committee of the county of Southampton under section 5 of the Police Factories &c. (Miscellaneous Provisions) Act 1916 and in force in the existing borough immediately before the appointed day and any such regulations shall until repealed or altered apply to the borough and be enforceable in all respects as if originally made for the borough.

Register of
nursing
homes.

37.—(1) The clerk of the Southampton County Council and the clerk of the Dorset County Council shall before the appointed day send to the town clerk a copy of every entry in the register of the county council under the Nursing Homes Registration Act 1927 which relates to any nursing home situate within the part of the added areas situate within such county respectively and the town clerk shall include in the register of the Corporation under that Act the particulars furnished by the clerks of the said county councils.

(2) Any exemption in force immediately before the appointed day from the operation of the Nursing Homes

Registration Act 1927 which may have been granted by A.D. 1930.
either of the said county councils in respect of premises
within the borough shall continue in force until the
exemption shall expire.

38.—(1) The Minister may by order at any time Insurance
committees.
after the passing of this Part of this Act make such pro-
visions as appear to him to be necessary for transferring
to the insurance committee for the borough such of the
property rights and liabilities of the insurance committees
for the counties of Southampton and Dorset as relate to
persons resident in the added areas.

(2) An order made under this section may authorise
the insurance committees for the said counties to continue
to act as insurance committees for the parts of the added
areas in the said counties respectively until such date not
being later than the thirty-first day of December nineteen
hundred and thirty-one as may be specified in the order
and may for that purpose postpone the operation of this
Part of this Act so far as it relates to the rights and duties
of the respective insurance committees for the said
counties and borough until the date so specified and may
provide for such financial adjustments and may contain
such other consequential and supplementary provisions as
may appear to the Minister necessary or expedient.

(3) An order under this section may be revoked
revised or amended by an order made in like manner as
the original order.

(4) Subject to any order under this section the
persons who immediately before the appointed day are
members of the respective insurance committees for the
said counties and the existing borough shall be deemed
to have been appointed or elected as and shall be the
members of the respective insurance committees for the
said counties as altered by this Part of this Act and the
borough.

39.—(1) The Burial Acts 1852 to 1906 shall cease to Burial
authorities.
apply to the existing parish of Kinson.

(2) The added part of Holdenhurst shall cease to be
within the area of the Christchurch joint burial com-
mittee and that committee shall continue to be the burial
authority for the Christchurch joint burial area as so
diminished.

A.D. 1930.

(3) Nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day in relation to any burial ground.

(4) Nothing in this Act shall prejudicially affect any right privilege authority or duty which immediately before the appointed day is exerciseable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

Officers.

Meaning of
"local
authority"
and
"officer"
in certain
sections of
this Part of
this Act.

40. In the sections of this Part of this Act relating to compensation to officers unless the context otherwise requires—

"local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county;

"officer" includes a servant and any person whose salary or wages is paid by a local authority.

Officers of
Corporation
continued.

41. The town clerk and all other officers of the Corporation of the existing borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as before that day.

Compensa-
tion to
existing
officers.

42.—(1) Every officer in office at the date of the passing of this Act who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

(2) Any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished in consequence of

this Part of this Act and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Part of this Act.

A.D. 1930.

43.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Part of this Act regard shall be had to the conditions and circumstances mentioned in the Eighth Schedule to the Local Government Act 1929 and the compensation shall not exceed the limit therein mentioned.

Determina-
tion of com-
pensation.

(2) Any compensation payable under this Part of this Act to any officer shall be paid out of the general rate fund and the provisions of the said schedule (except paragraph 11 thereof) shall apply subject to the following and any other necessary modifications:—

(a) Any reference in that schedule to the council shall be construed as a reference to the Corporation;

(b) Any reference in that schedule to the appointed day shall be construed as a reference to the appointed day as defined in this Act.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors' book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purposes of compensation.

44. No officer shall be entitled to receive compensation under this Part of this Act for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Compensa-
tion and
super-
annuation.

45. The provisions of this Part of this Act shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority:

As to
teachers in
public
elementary
schools.

Provided that in the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if

A.D. 1930. — such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day.

Supplementary Provisions.

Liquidation
of current
debts and
liabilities.

46.—(1) The parish councils of the existing parishes of Holdenhurst and Kinson shall liquidate so far as practicable before the appointed day all current debts and liabilities incurred by them.

(2) If default is made by either of the said parish councils in complying with the requirement of subsection (1) of this section—

(a) The Corporation may in accordance with subsection (5) of section 2 of the Rating and Valuation Act 1925 make and levy over the area of such portion of the borough as is co-terminous with the parish or part of the parish of the parish council in default as an additional item of the general rate such amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the parish council in default;

(b) Any such additional item of the general rate may be made retrospectively to raise money for the payment of charges and expenses incurred by the parish council in default at any time within one year before the appointed day ;

(c) Any such additional item shall be in addition to any rate levied subject to any limitation under the section of this Act whereof the marginal note is “ Differential rating.”

Differential
rating.

47. The total amount in the pound of the general rate levied by the Corporation in the part of the borough comprising the existing parish of Kinson (in this section referred to as “ the Kinson rate ”) in the year ending on the thirty-first day of March nineteen hundred and thirty-two shall exceed by three shillings and fourpence the total amount in the pound of the general rate levied by the Corporation in the remainder of the borough (in this section referred to as “ the borough rate ”) in that year and thereafter in each succeeding year ending on

the thirty-first day of March the Kinson rate shall be less by fourpence than the Kinson rate in the preceding year until the year in which a reduction of fourpence would make the Kinson rate the same as or less than the borough rate and then in that and every succeeding year the Kinson rate shall be the same as the borough rate. A.D. 1930.
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48. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from net annual value of such rateable hereditaments within the added part of Holdenhurst and the parish of Kinson as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing borough and such adjustments of the value of those hereditaments in the added areas shall be made by the Corporation as may be necessary to give effect to the provisions of this section. Deduction
in ascer-
taining
rateable
value of
tithes
railways &c.

49.—(1) The valuation list of the existing borough and the portions of the valuation lists of the rural districts of Christchurch and Poole which relate to hereditaments within the added areas shall together form the valuation list of the borough as from the appointed day. Valuation
lists.

(2) The remaining portions of the valuation lists of the said rural districts shall be the valuation lists of those districts respectively as from the appointed day.

50.—(1) In any case in which the extension of the existing borough by this Part of this Act affects the distribution of any moneys between the borough and the county of Southampton or the county of Dorset or between any of those areas and any other county borough or any financial relations or questions between those areas or between any two of them or between any of those areas and any other county borough or any adjustment which has been made in regard to the said distribution or financial relations or questions and with regard to the adjustment of which provision is not made in any other Act equitable adjustments may be made between the areas interested. Adjustment
of financial
relations
between
borough
and
counties.

A.D. 1930.
—

(2) Any adjustment authorised by subsection (1) of this section may be made by agreement between the Corporation and either of the county councils of the said counties or between the authorities of any two of those areas or between any of the said authorities and the corporation of any other county borough or by an arbitrator appointed by the parties interested and if such adjustment shall not have been made or an arbitrator has not been appointed before the thirty-first day of December nineteen hundred and thirty-one or such later date as may be allowed by the Minister then on the application of the Corporation or the county council concerned the Minister may if he thinks fit make or appoint an arbitrator to make the adjustment.

(3) In any case in which an agreement for equitable adjustments as aforesaid shall not have been made or so far as any such agreement shall not extend the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister or an arbitrator appointed by him as the case may be shall be substituted in those provisions for the commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

Provided that—

- (a) in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of that Act shall apply to any inquiries which may be directed by the Minister under this section and to the costs of those inquiries; and
- (b) subsection (6) of section 32 of the Act of 1888 shall apply to any agreement or award made under this section.

51.—(1) Agreements may be made by any councils or other authorities affected by the alteration of any area or authorities made by this Part of this Act for the adjustment of any property income debts liabilities and expenses so far as they are affected by the alteration and section 62 of the Act of 1888 shall apply to any such adjustment with the following modifications:—

A.D. 1930.
—
Adaptation
of pro-
visions as to
adjust-
ments.

- (a) As if in subsections (5) (6) and (7) of that section the expression "council" included any authority affected by this Part of this Act or by anything done in pursuance of this Part of this Act;
- (b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in subsection (6) of the said section that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all moneys so borrowed should be repaid within such period as the Minister may sanction;
- (c) As if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the said section; and
- (d) As if the following subsection were added to the said section—

"(8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part only of the parish the agreement or award may authorise such sum to be levied in that part as an additional item of the general rate."

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or in the sections of this Act whereof the marginal notes are "Transfer of public elementary schools" "County police stations &c." "Adjustment of financial

A.D. 1930. — relations between borough and counties ” and “ Adjust-
ment for purposes of licensing.”

Adjustment
as to
properties:

52. In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Part of this Act regard shall be had to the interest or share (if any) of the added areas or any part thereof in any property—

- (a) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or
- (b) which was prior to the appointed day subject to beneficial user by the inhabitants of the added areas or any part thereof; or
- (c) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

Adjustment
for purposes
of licensing.

53.—(1) An equitable adjustment shall be made between the county of Southampton and the county of Dorset and the borough respectively respecting the interest of the added areas in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for each of the said counties and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

54.—(1) The registration officers of the parliamentary counties of Hants and Dorset shall supply the registration officer of the parliamentary borough of Bournemouth on publication with a sufficient number of copies of the electors' lists the lists of objections to the electors' lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added areas and shall forthwith notify the registration officer of the parliamentary borough of Bournemouth of their decisions on any objections or claims in respect of any such registration unit.

A.D. 1930.

—
Duplicate
entries in
electors'
lists.

(2) It shall be the duty of the registration officer of the parliamentary borough of Bournemouth to issue such notices and otherwise to take such steps as are required by Rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections.

(3) Where the registration officer of the said parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the added areas he shall forthwith notify the registration officer of the parliamentary county concerned and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register in the year nineteen hundred and thirty-one and of later registers.

55.—(1) For the purposes of the register of local government electors of the borough prepared in the year nineteen hundred and thirty-one and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have formed part of the borough as from the twenty-eighth day of February nineteen hundred and thirty-one.

Provisions
as to
register of
electors.

(2) If the register of local government electors for any local government electoral area affected by this Part of this Act is not so framed as to show the persons entitled

A.D. 1930. — to vote at an election to be held for a district parish or ward or other voting area—

- (a) the town clerk in the case of an election for any voting area within the borough; and
- (b) the registration officer of the parliamentary county of Hants or the parliamentary county of Dorset as the case may require in the case of an election for any voting area outside the borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election.

(3) The additional expenses (if any) solely occasioned by any alteration or re-arrangement of the register authorised by subsection (2) of this section shall be borne by the Corporation.

(4) It shall be the duty of the town clerk and of any officer designated under Article 3 of the Overseers Order 1927 by the Corporation or by the rural district council of Christchurch or the rural district council of Poole for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by any registration officer for the purpose of any alteration or re-arrangement authorised by subsection (2) of this section.

(5) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this section and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Jury service.

56. For the purpose of summoning jurors and of jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book comes into force.

Local land charges registers.

57.—(1) The local registrars for the counties of Southampton and Dorset and for the rural districts of Christchurch and Poole under the Land Charges Act 1925 and the rules made thereunder shall within fourteen days after the appointed day supply to the local registrar for the borough an office copy of every entry in the local

land charges register relating to any premises situate within the added areas and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules. A.D. 1930.

(2) The local registrar for the borough shall within fourteen days after the receipt of the office copy mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of one month from the appointed day whichever be the earlier day the following provisions shall have effect in respect of all land within the added areas :—

- (a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the rural district concerned and in the register for the county concerned;
- (b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district concerned the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county concerned a copy of the application;
- (c) The local registrar for the rural district concerned and the local registrar for the county concerned shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Part of this Act had not been passed;
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrars for the said counties in pursu-

A.D. 1930.

ance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation;

- (e) Where a local land charge duly registered in the local land charges register of either of the said counties or rural districts is in pursuance of this Part of this Act transferred from the register of such county or rural district to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

Town
planning.

58. Any proceeding taken by any authority under the Town Planning Act 1925 or any enactment thereby repealed (including any agreement order approval consent or notice under that Act or repealed enactment) shall in so far as it relates to land within the added areas have effect as if it had been taken by the Corporation in respect of that land.

For pro-
tection of
Poole
Corporation.

59. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Poole (in this section called "the Poole Corporation") shall unless otherwise agreed in writing between the Corporation and the Poole Corporation apply and have effect (that is to say) :—

- (1) The expenses of and incident to the taking prior to the passing of this Act by the Poole Corporation of any proceeding under the Town Planning Act 1925 or any enactment thereby repealed (including any agreement order approval consent or notice under that Act or repealed enactment) shall be ascertained and determined by the district auditor auditing the accounts of the borough of Poole and a sum equal to one-fourth part thereof shall be repaid to the Poole Corporation by the Corporation :
- (2) The provisions of the section of this Act of which the marginal note is "Town planning" shall so far as they relate to proceedings taken by the Poole Corporation come into operation on the date of the passing of this Act.

60. Every person resident in the added areas at the appointed day who has acquired or is in the course of acquiring— A.D. 1930.
—
Settlement
and irre-
movability.

(a) a settlement in the county of Southampton or the county of Dorset as the case may be by reason of residence birth or other qualification therein; or

(b) a status of irremovability from the county of Southampton or the county of Dorset as the case may be by reason of residence therein;

shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or status of irremovability from the borough.

For the purpose of this section consecutive periods of residence between the thirty-first day of March nineteen hundred and thirty and the appointed day in two or more places in the county of Southampton and the county of Dorset as the case may be shall be aggregated and reckoned as continuous residence in that part of the respective county in which the person was residing at the appointed day.

61.—(1) As soon as practicable after the appointed day the Southampton County Council the Dorset County Council the Christchurch Rural District Council and the Poole Rural District Council shall as regards any cash balances in their hands at the appointed day estimate the proportion thereof derived from contributions paid by any part of the added areas and subject to a deduction on account of undischarged liabilities in respect of such part of the added areas accruing up to the appointed day shall transfer such amount to the Corporation. Apportion-
ment of
balances
and sums
received
under
precepts.

(2) Any sum received after the appointed day by such county council or rural district council under a precept issued or rate made before that day in respect of any part of the added areas shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Part of this Act.

62.—(1) Notwithstanding the alteration of area effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day Contribu-
tion orders
precepts

A.D. 1930. shall be as valid in law as if this Part of this Act had not
— been passed.

and arrears
of rates.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added areas shall be collected and recovered by the Corporation.

(3) Any rates so collected and recovered shall be a matter for adjustment under section 62 of the Act of 1888.

Audit of
accounts of
parish
councils.

63.—(1) The accounts of the parish councils of Holdenhurst and Kinson shall be made up to the appointed day and shall be audited by the district auditor in the manner and subject to the like incidents and consequences as if this Act had not been passed.

(2) Any sum certified by the district auditor to be due from any person at the audit of the accounts to which this section applies shall be paid to the treasurer and shall if necessary be a matter for adjustment.

(3) This section shall apply to the accounts of any committee or officer of any of the authorities here mentioned as it applies to the accounts of the authorities.

As to
registration
districts.

64. Any scheme made by the Corporation or the Registrar-General under the provisions of section 24 of the Act of 1929 shall make provision for dealing with the added areas but until the date on which a scheme affecting the added areas comes into operation nothing in this Part of this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in the Births and Deaths Registration Acts 1836 to 1929 as to the alteration thereof.

Parish
books and
documents.

65.—(1) All books and documents belonging to the existing parishes of Holdenhurst and Kinson and all documents directed by law to be kept with the public books writings and papers of those existing parishes (except any book or document relating to ecclesiastical matters) shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of any existing parish which is altered by this Part of this Act shall at all times have the

same right of inspection and of making extracts from the books and documents of that existing parish which he would have had if this Part of this Act had not been passed. A.D. 1930.

66. Any references in this Part of this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 until such corresponding provision is repealed by the Education Act 1921. References to Education Act 1921.

67. Any alderman or councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of area made by this Part of this Act. Saving for qualification of aldermen and councillors.

68.—(1) No alteration effected by this Part of this Act shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the rural district council of Christchurch or the rural district council of Poole or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by either of those councils or their predecessors: Savings for actions contracts &c.

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against either of those councils in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation; and
- (b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by either of those councils (or their predecessors) in relation exclusively to any part of the added areas may be continued and enforced as fully and effectually as if instead of that council (or their predecessors) the Corporation had been a party thereto.

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(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Part of this Act.

Other
savings.

69.—(1) Nothing in this Part of this Act shall—

(i) Restrict the power of the Secretary of State the Minister or the county councils of Southampton or Dorset under the Act of 1888 the Act of 1894 the Act of 1929 or the Poor Law Act 1927:

(ii) Affect the limits of the parliamentary borough of Bournemouth or the parliamentary counties of Hants or Dorset or the powers of the county councils of Southampton or Dorset for the division of their respective parliamentary counties into polling districts for parliamentary elections or for the division of their respective counties into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election:

(iii) Affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment; or

(iv) Affect land tax.

(2) For the purposes of imperial taxes or duties other than land tax the provisions of the section of this Act whereof the marginal note is "Alteration of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

Electricity
powers not
to be
affected.

70. Nothing in this Part of this Act shall alter the area of supply for the purposes of the Christchurch and District Electric Lighting Order 1899 or the Wimborne and District Electricity Special Order 1929 or affect the rights or powers of the Bournemouth and Poole Electricity Supply Company Limited under these Orders or

any other Order for which that company are the authorised undertakers or affect the date or the terms and conditions on which the undertaking authorised by any of such Orders as aforesaid is purchaseable by any authority.

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71. Nothing in this Part of this Act shall diminish prejudice or affect the powers rights duties and privileges of the Bournemouth Gas and Water Company with respect to the differential charges which they are authorised to levy in any parts of the added areas.

For protec-
tion of
Bourne-
mouth Gas
and Water
Company.

72. Nothing in this Act contained shall be construed so as to interfere with or in any way affect the property rights and interests of the Dorset County Council in the land situate in the parish of Kinson vested in that council and used for small holdings on the appointed day.

For pro-
tection of
Dorset
County
Council.

PART III.

POLICE AND HACKNEY CARRIAGES.

73.—(1) Nothing in section 215 of the Municipal Corporations Act 1882 shall prevent the establishment of a new separate police force for the borough not consolidated with the county police force.

As to estab-
lishment of
separate
borough
police force.

(2) The heads of agreement purporting to have been made between the Corporation and the Southampton County Council and dated the twenty-ninth day of April nineteen hundred and one shall be deemed to have been an agreement made by virtue of section 14 of the County Police Act 1840 as amended by the County and Borough Police Act 1856 and nothing in the said section 215 shall prevent the rescinding of the said heads of agreement under conditions applying to agreements made under the County Police Act 1840 as so amended.

(3) If the said heads of agreement shall be determined in accordance with the provisions of the County Police Act 1840 and the sanction of the Secretary of State shall be received upon the expiration of six months after the date of such sanction such members (if any) of the police force of the county of Southampton as before that date shall have been determined by agreement between the joint standing joint committee of the county of Southampton and the borough and the watch committee

A.D. 1930. of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the borough :

Provided that no member of the police force of the said county shall be so transferred without his consent.

(4) Every member of the police force of the said county so transferred shall hold office in the police force of the borough upon the same tenure and subject to the same terms and conditions as those upon which and subject to which he held office under the said county council and any period of service which the transferred member was entitled to reckon before the transfer for purposes of pay promotion or pension in the police force of the said county shall be reckoned for the same purpose in the police force of the borough. Provided that where the scale of ordinary pensions applicable to a member of the police force of the said county who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule of that Act such scale shall continue to apply to him as if he had not been so transferred.

(5) The provisions of subsection (2) of section 8 of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of the police force transferred in pursuance of the powers of this section as if that member had removed with the written sanction of the chief constable of the said county and notwithstanding that at the date of the transfer that member may not have completed one year's approved service in the police force of the said county.

Regulations
for con-
trolling
traffic.

74.—(1) The Corporation may from time to time make regulations prescribing within the area referred to in subsection (9) of this section or with the sanction of the Minister of Transport within any other area in the borough—

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

(c) The places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers : A.D. 1930.

Provided that—

- (i) no regulation made under paragraph (a) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the said area whilst so engaged;
- (ii) no regulation shall be made under paragraph (b) of this subsection in respect of any street along which tramcars are for the time being operated in both directions.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject-matters of the regulations by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the said Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date not being less than twenty-one days from the date of the notice by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The said Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations submitted to him with or without modifications or may disapprove the same.

(4) Before approving any regulations submitted to him under this section the said Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

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(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

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

(7) The Corporation shall cause notice to be given of all regulations made under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation made under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions in the street or streets to which it relates a warning notice in a form approved by the said Minister indicating the effect of the regulation.

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

(a) shall contravene any regulation under paragraph (a) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or

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

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

shall be liable to a penalty not exceeding forty shillings.

(9) In this section—

(a) "the area" means any part of the borough which is within a radius of one mile and a half from the town hall in the borough;

(b) "specified" means specified in any regulations made or approved under this section.

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

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—

75.—(1) The Corporation may make regulations prescribing within the borough—

Regulations as to stands or stopping places of omnibuses.

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

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

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

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

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

(4) Every such notice shall indicate the time (which shall not be less than twenty-one days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place

A.D. 1930. at which copies of the proposed regulations may be
— obtained free of charge.

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

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

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

(8) Before making any order under this section the said Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act the marginal note whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

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

(10) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify or extend any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the

said Minister after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates. A.D. 1930.

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

76. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation under any of the two preceding sections as the said section extends to byelaws so made. Evidence of regulations made by Corporation.

77. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours. Power to make regulations as to traffic on carnival &c. days.

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

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

(3) Section 74 (Notice of procession to be given) of the Bournemouth Improvement Act 1892 is hereby repealed.

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Byelaws as to leading or driving cattle.

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

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

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

Extension of section 68 of Public Health Act 1925.

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

Penalty for crying news papers.

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

Byelaws as to hackney carriages.

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

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in such byelaws ;

- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire; A.D. 1930.
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made :

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

83. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit. Power to impose test on motor drivers.

84.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage. Inspection and certification of taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the

A.D. 1930. same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

Insurance
by hackney
carriage
proprietors.

85.—(1) The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and the provisions of that subsection shall apply accordingly.

(2) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid any licence granted in respect of any vehicle to which the policy relates shall thereupon become void.

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

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

Power to
grant
occasional
licences.

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

Provisions
as to
vehicles let
for hire.

87. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only

Provided that this section shall not apply to any such vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or for journeys under special contract or to an omnibus as defined in the Town Police Clauses Act 1889. A.D. 1930.

88.—(1) The Corporation may attach to a licence to ply for hire with an omnibus within the borough a condition requiring the establishment and maintenance of a regular service of omnibuses run in accordance with a time-table to be prepared by the applicant and approved by the Corporation. Omnibuses to run in accordance with time-tables.

(2) The applicant shall give seven days' notice to the Corporation of any proposed variation of such time-table and if the Corporation do not disapprove of such variation within seven days after receipt of such notice they shall be deemed to have approved of the time-table as varied.

(3) Any approval of the Corporation under this section shall not be unreasonably withheld and no such condition shall be attached to any licence to ply for hire on any route unless a similar condition shall be attached to every other licence to ply for hire on that route or any portion of that route.

(4) In the event of any licence to ply for hire with an omnibus being refused under this section or in the event of any other difference arising under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 (Local licensing fees to cease to be chargeable) of the Roads Act 1920 and all the provisions of that subsection shall apply accordingly.

(5) The proprietor of any omnibus who permits the same to ply for hire contrary to any such condition endorsed on his licence therefor under this section shall be liable to a penalty not exceeding five pounds.

89.—(1) No person shall in any street road promenade or parade on the sea front or at any place in any street within fifty yards thereof or at any hackney carriage or omnibus stand or in any public walk garden park or place of recreation or on the seashore or beach (above or below high-water mark) within the borough Prohibition of touting and hawking in streets &c.

A.D. 1930. — importune any person by touting for a hotel lodging-house refreshment house shop boat garden theatre omnibus hackney carriage or any place of amusement.

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding twenty shillings.

(3) Any person aggrieved by the refusal of the consent of the Corporation under this section may appeal to a petty sessional court provided that such appeal is made within fourteen days from the date on which such refusal is notified to him and that notice in writing of such appeal is sent to the Corporation not less than seven days before the hearing thereof and the court may make such order as it thinks fit and may award costs.

PART IV.

TROLLEY VEHICLES OMNIBUSES AND TRAMWAYS.

Power to
use trolley
vehicles.

90.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may work the same along any street or road in the borough or in the county of Southampton along which tramways have been constructed by the Corporation.

(2) The Corporation may also work trolley vehicles along the following routes:—

In the borough—

(1) Commencing in Bath Road at its junction with Christchurch Road proceeding along Bath Road Bournemouth Pier Approach and Exeter Road to and terminating in the Square on the south side at its junction with Exeter Road;

(2) Commencing in Westover Road at its junction with Bath Road proceeding along Westover Road to and terminating at Bournemouth Arcade by a junction with the Corporation tramway route at that point;

(3) Commencing in Meyrick Road at its junction with Bath Road proceeding along Meyrick Road and Gervis Road and terminating in Gervis Road at its junction with Bath Road;

(4) Along Gervis Place from its junction with Hinton Road to the junction of Old Christchurch Road and Gervis Place; A.D. 1930.
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(5) Along Sea Road from its junction with Christchurch Road to the Boscombe Pier Approach;

(6) Commencing at the junction of Sea Road and Hawkwood Road proceeding along Hawkwood Road to Heathcote Road and along that road to its junction with Christchurch Road;

(7) Along Parkwood Road from its junction with Christchurch Road to the junction of Parkwood Road with Seabourne Road;

(8) Along Woodside Road from its junction with Seabourne Road to the junction of Woodside Road with Parkwood Road:

In the borough and the rural district of Christchurch in the county of Southampton—

(9) Commencing in the borough in Christchurch Road by a junction with the existing Corporation tramway in that road at Pokedown Station proceeding along Christchurch Road to and terminating at Iford Bridge at the boundary of the borough of Christchurch:

In the borough—

(10) Commencing in Holdenhurst Road at the junction of that road with Ashley Road and proceeding along Holdenhurst Road to and terminating at the borough boundary in that road;

(11) Commencing in Charminster Road at its junction with Capstone Road proceeding along Charminster Road to and terminating at the borough boundary in that road;

(12) Commencing at the junction of Charminster Road and Charminster Avenue proceeding along Charminster Avenue and Malvern Road to and terminating at the junction of Malvern Road with Wimborne Road:

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In the borough and the rural district of Poole in the county of Dorset—

(13) Commencing in the borough at the termination of the existing tramway in Wimborne Road proceeding along that road to and terminating at Bear Cross in the parish of Kinson in the rural district of Poole;

(14) Commencing in the borough in Talbot Road at its junction with Wimborne Road proceeding along Talbot Road and Talbot Village Road to and along Kinson Road and terminating therein at its junction with Wimborne Road in the parish of Kinson in the rural district of Poole;

and with the consent of the Minister of Transport along any other street or road in the borough or the said parishes of Holdenhurst and Kinson which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access thereto from any depot garage building or work of the Corporation.

(3) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

(4) No turning point shall be provided upon any street or road belonging to or maintained by a railway company without the consent in writing of such company.

Adaptation
of roads.

91.—(1) (a) Before the Corporation commence to run trolley vehicles over any road or part of a road it shall be determined by agreement between the Corporation and the road authority (where it is not the Corporation) or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of a trolley vehicle service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall

be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening. A.D. 1930.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run trolley vehicles over the road or part of a road or bridge in question.

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

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

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

A.D. 1930.

(2) Any payment made to a road authority under this section in respect of any county road maintained and repaired by them under section 32 of the Act of 1929 shall be credited to the county council in ascertaining the amount payable by them under section 33 of the said Act and any such payment made to a road authority in respect of an unclassified road in respect of which an agreement exists under section 34 of the said Act shall be credited to the council of the urban district in ascertaining the amount payable by them to the county council under the said Act.

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

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

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

(6) Nothing in this Act shall impose any obligation upon any canal company to strengthen adapt alter or reconstruct any bridge maintainable by them or enlarge any existing obligation.

As to
electrical
works.

92.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to work trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power

and may for that purpose subject to such of the provisions of Part II of the Tramways Act 1870 as are incorporated in this Act and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

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Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways.

(4) In this section the expression " generating station " has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

93. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

94.—(1) The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to those exceptions neither the Motor Car Acts 1896 and 1903 nor any bye-laws or regulations made thereunder nor the enactments

Vehicles not to be deemed light locomotives or motor cars.

A.D. 1930. mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

(2) The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

Licence duties on trolley vehicles.

95. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

Approval of vehicles by Minister of Transport.

96.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

(2) Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to or repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicle proposed to be used by them upon such road and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight Provided that such objections shall be forwarded by such railway company to the Corporation at the same time as they are submitted to the Minister of Transport.

Inspection by Minister of Transport.

97. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by an officer appointed by the Minister of Transport.

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

98.—(1) The following provisions of the Tramways Act 1870 (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 and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the

works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

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Part II (Relating to the construction of tramways) except sections 25 28 and 29;

Section 41 (Tramways to be removed in certain cases);

Section 46 (Byelaws by local authority);

Section 47 (Penalties may be imposed in bye-laws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 53 (Penalty for bringing dangerous goods on the tramway);

Section 55 (Promoters or lessees to be responsible for all damages);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

99.—(1) The following provisions of the Bournemouth Corporation Tramways Order 1900 the Bournemouth Corporation Act 1901 and the Bournemouth Corporation Tramways Act 1903 shall subject as hereinafter provided extend and apply to the trolley vehicles and the trolley vehicle undertaking as authorised by this Act or as authorised within or outside the borough by any Provisional Order made under the powers of the section of this Act of which the marginal note is “ Minister of

Application of provisions of Order of 1900 and Acts of 1901 and 1903.

A.D. 1930. Transport may authorise new routes " as if those provisions were with all necessary modifications re-enacted in this Act (namely) :—

The Bournemouth Corporation Tramways Order
1900—

- Section 19 (Provisions as to motive power);
- Section 20 (Mechanical power works);
- Section 22 (Byelaws);
- Section 23 (Amendment of the Tramways Act 1870 as to byelaws by local authority);
- Section 24 (Special provisions as to use of electrical power);
- Section 26 (Traffic upon tramways);
- Section 30 (Passengers' fares);
- Section 31 (As to fares on Sundays and holidays);
- Section 33 (Cheap fares for labouring classes);
- Section 35 (Payment of rates);
- Section 36 (Periodical revision of rates and charges).

The Bournemouth Corporation Act 1901—

- Section 12 (Power to attach brackets &c. to buildings);
- Section 15 (Penalty for malicious damage).

The Bournemouth Corporation Tramways Act
1903—

- Section 9 (Power to accept lease of tramways outside borough);
- Section 10 (Working agreements) :

Provided that in the application of such provisions the same shall be read and have effect as if the apparatus and equipment for working the trolley vehicles and the trolley vehicle routes (together or separately as the context may require) were " tramways " within the meaning of the said Order and Acts and as if trolley vehicles were engines or carriages used on such tramways and as if the undertaking authorised by and the purposes of the said Order and Acts included the trolley vehicle undertaking.

(2) In the application of the above-mentioned provisions any matter or thing to be determined by arbitration shall be so determined under and subject to the provisions of the Tramways Act 1870. A.D. 1930.
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100.—(1) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. For protection of Postmaster-General.

(2) In the event of any tramways or trolley vehicles of the Corporation being worked by electricity the following provisions shall have effect:—

(a) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration;

(b) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection;

(c) Before any electric line is laid down or any act or work for working the tramways or trolley vehicles by electricity is done within ten yards

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of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration;

- (d) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated or used by or supplied to the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Ministry of Transport regulations;
- (e) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention

or non-compliance continues after conviction thereof or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof; A.D. 1930.

- (f) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;
- (g) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;
- (h) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act;
- (i) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882;
- (j) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act;

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- (k) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid;
- (l) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways or trolley vehicles on the trolley vehicle routes of the Corporation;
- (m) Section 25 (For protection of Postmaster-General) of the Bournemouth Corporation Tramways Order 1900 section 43 (For the protection of the Postmaster-General) of the Christchurch and Bournemouth Tramways Act 1900 section 3 (For protection of Postmaster-General) of the Bournemouth Corporation Tramways Act 1903 and section 13 (For protection of Postmaster-General) of the Bournemouth Corporation Act 1904 are hereby repealed.

Use of
tramway
posts by
Postmaster-
General.

101.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramways or trolley vehicles of the Corporation and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways or trolley vehicles;
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in

which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided;

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- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or trolley vehicle routes or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Ministry of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided;
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;

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- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or the trolley vehicle routes or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants;
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post

standard or bracket by the Postmaster-General A.D. 1930.
a difference shall be deemed to have arisen and
shall be determined as hereinafter provided. —

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

the expression “ the Corporation ” includes their lessees;

the expression “ telegraph ” has the same meaning as in the Telegraph Act 1869;

other expressions have the same meaning as in the Telegraph Act 1878.

102.—(1) (a) If at any time hereafter the Corporation desire to provide maintain equip and work trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Act hereinbefore referred to) they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make a Provisional Order authorising the working and use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the said Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the working and use

Minister of Transport may authorise new routes.

A.D. 1930. of trolley vehicles upon such road were authorised by this Act.

(b) The Minister of Transport shall not make any Provisional Order under this section relating to any road outside the borough except with the consent of the local authority and (where the local authority is not the road authority) of the road authority of the district in which such road is situate but such consent or consents shall in no case be unreasonably withheld and any question arising as to whether any such consent is unreasonably withheld shall be determined by the said Minister.

(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall—

(a) have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the area to which the application relates;

(b) have also published such notice once in the months of October or November in the London Gazette;

(c) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time for and method of bringing before the Minister of Transport any objections to the grant of such application.

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he thinks fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or

modification or subject or not to any restriction or condition. A.D. 1930.

(5) In any case where it shall appear to the Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be prima facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister of Transport in connection with any inquiry under this section shall be paid by the Corporation.

103. Notwithstanding anything in this Act or any provisions of the Tramways Act 1870 incorporated with this Act the following provisions shall (unless otherwise agreed between the Corporation on the one hand and the mayor aldermen and burgesses of the borough of Christchurch (in this section referred to as "the Christchurch Corporation") on the other hand) have effect with reference to the purchase by the Christchurch Corporation of the trolley vehicle undertaking of the Corporation

Power to
Christ-
church
Corporation
to purchase
trolley
vehicle
undertaking
in Christ-
church.

A.D. 1930. authorised by this Act within the borough of Christchurch
(in this section referred to as "the Christchurch
undertaking") :—

(1) Subject as hereinafter provided it shall be lawful for the Christchurch Corporation if by resolution passed at a special meeting they so decide to purchase the Christchurch undertaking on the thirty-first day of December nineteen hundred and fifty-five or the thirty-first day of December in every subsequent seventh year upon terms of paying—

(a) if the purchase is effected on the thirty-first day of December nineteen hundred and fifty-five the fair market value of the Christchurch undertaking as a going concern but without any addition in respect of compulsory purchase;

(b) if the purchase is effected on or after the thirty-first day of December nineteen hundred and sixty-two upon the terms of paying the then value (exclusive of any allowance for past or future profits of the Christchurch undertaking or any compensation for compulsory sale or other consideration whatsoever) of the Christchurch undertaking and of all lands buildings works materials and plant of the Corporation suitable to and used by them for the purposes of the Christchurch undertaking;

which values respectively shall be determined in case of difference by arbitration in manner provided by section 43 of the Tramways Act 1870 :

(2) The power of compulsory purchase conferred on the Christchurch Corporation by this section shall be exerciseable only upon and subject to the following terms and conditions (that is to say) :—

(a) if the Christchurch Corporation decide to purchase the Christchurch undertaking they shall give to the Corporation notice in writing of such their decision not later than the thirty-first day of December in the year preceding the date of purchase;

(b) the sum to be paid to the Corporation in respect of such purchase shall if not agreed be determined by a referee nominated under the said section 43 of the Tramways Act 1870 :

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- (3) Subject to the foregoing provisions of this section the said section 43 of the Tramways Act 1870 including the provisions of that section with regard to the transfer to and vesting in and exercise by the purchasing authority of the rights powers and authorities of the promoters in respect of the undertaking sold the payment of the purchase money and all expenses incurred in the purchase and the borrowing of money for the purposes thereof shall apply to the purchase of the undertaking by the Christchurch Corporation under this section as if the said section 43 with any necessary modifications were re-enacted in this Act :
- (4) On the sale to the Christchurch Corporation such arrangements as may be approved by the Minister of Transport shall be made for vesting in the Christchurch Corporation and the sale shall not take effect until an instrument has been properly executed in a form approved by the Minister for carrying such arrangements into effect.

104.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and the local authority of the district within the borough of Poole and the areas which on the appointed day will be added to the borough under Part II (Extension of boundaries) of this Act and along the following routes :—

Power to provide and run omnibuses.

- (i) the route of the existing tramways of the Corporation between the boundary of the borough and Church Street in the borough of Christchurch :
- (ii) from the boundary of the borough of Christchurch at Iford Bridge along Barrack Road High Street Castle Street Bridge Street Waterloo Place and Rotten Row to Purewell in the borough of Christchurch :

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Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

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

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

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

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

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

(7) Section 20 (Corporation may run omnibuses) of the Bournemouth Corporation Act 1904 is hereby repealed.

105. The Corporation shall perform in respect of the trolley vehicles and omnibuses provided under this Act such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

A.D. 1930.
Conveyance
of mails.

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

As to
cesser of
powers.

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

107. If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route outside the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the said Minister may on the application of any local authority within whose borough or district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the said Minister may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of such route shall cease. Provided that this section shall not apply or have effect in the event of the failure of the Corporation to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation nor if the Corporation are providing

Provision in
event of
certain
powers not
being exer-
cised within
prescribed
time.

A.D. 1930. — an adequate service of tramways or trolley vehicles on such route.

Fares and charges &c.

108. Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses of the Corporation fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport in connection with such omnibuses. Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any borough or district in which such omnibuses are run.

Personal luggage &c. on trolley vehicles and omnibuses.

109.—(1) Every passenger travelling upon the trolley vehicles or omnibuses of the Corporation may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and at the responsibility of the passenger and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

(2) The Corporation may if they think fit convey—

(a) on the trolley vehicles or omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers;

(b) on the trolley vehicles materials for the construction and repair of roads of or by the Corporation and materials for the purposes of the Corporation or for or in connection with the several undertakings of the Corporation.

(3) The Corporation may make such charges for small parcels as the Minister of Transport may from time to time approve and such a charge for a dog as shall not exceed the fare payable by the passenger having the care of the dog.

Power for Corporation to suspend traffic.

110. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or their lessees or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of

the borough or the safety of the public may deem necessary order that the working of the tramways of the Corporation or any part thereof or the running of trolley vehicles or omnibuses on any trolley vehicle or omnibus route of the Corporation or part thereof respectively shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof.

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111.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

Working and other agreements with regard to omnibuses.

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

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

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

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

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

- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depots buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the borough or district within which such omnibus service lands depots buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the said Minister may if he thinks fit by order dispense with such consent.

Through
cars and
omnibuses.

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

Corporation
may
appoint
stopping

113. The Corporation may appoint the stations and places from which cars on their tramways and their trolley vehicles and omnibuses shall start or at which they

may stop for the purpose of taking up or setting down passengers and may fix the time during which such cars trolley vehicles and omnibuses shall be allowed to remain at any such place but any such appointment and regulations shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the borough or district within which that station or place is appointed which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

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—
and starting
places.

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

Power to
reserve cars
for special
purposes.

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

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

115.—(1) The Corporation may erect and maintain sheds shelters and waiting-rooms for the accommodation of passengers on any tramways or trolley vehicle or omnibus routes and may with the consent of the local

Shelters or
waiting-
rooms.

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

(2) Section 17 (Waiting-rooms) of the Bournemouth Corporation Act 1904 is hereby repealed.

Cloakrooms
&c.

116. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with their tramway trolley vehicle and omnibus undertakings and at suitable places on the routes of the tramways and trolley vehicle and omnibus routes of the Corporation and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

For pro-
tection of
railway
companies.

117. The following provisions for the protection and benefit of railway companies shall apply and have effect except in so far as may be otherwise agreed in writing between the Corporation and the railway company affected :—

Notwithstanding anything contained in this Act no shed shelter waiting-room cloakroom or room shall be erected maintained or provided or starting or stopping place appointed nor shall the Corporation require persons waiting at any stopping place or any terminus to wait in any line or queue so as to cause interference with or to render less convenient the access to or exit from any station depot or property belonging to any railway company nor shall any such shed shelter waiting-room or cloakroom be erected maintained or provided on any bridge carrying any street or road over the railway of any railway company.

Lost
property.

118. Any property found in any tramcar trolley vehicle or omnibus of the Corporation or in any shelter or room used in connection with the tramways trolley

vehicles or omnibuses of the Corporation shall forthwith be handed to the conductor of the tramcar trolley vehicle or omnibus or be taken to the tramway offices of the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking of the Corporation.

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The Corporation may make byelaws for securing the safe custody and redelivery of any property accidentally left in tramcars trolley vehicles or omnibuses of the Corporation or in any shelter or room used in connection with such tramcars trolley vehicles or omnibuses and fixing the charges to be made in respect thereof.

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

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

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

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

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to any railway company without the consent of such company in writing.

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(5) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the mayor aldermen and burgesses of the borough of Poole without their consent in writing:

As to
byelaws &c.
under this
Part of this
Act.

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

Trolley
vehicles and
omnibuses
to form
part of
tramway
under-
taking.

121. Subject to the provisions of this Act the trolley vehicle and omnibus undertakings authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles and omnibuses respectively shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and in such accounts capital shall be distinguished from revenue.

Accounts to
be furnished
to Minister
of Trans-
port.

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

As to aban-
donment of
tramways.

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

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

surface thereof to the reasonable satisfaction of the road authority. A.D. 1930.

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

(4) As from the date upon which a service of trolley vehicles or omnibuses is provided by the Corporation in lieu of a tramway service within the borough the revenue of the tramway undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged under any statutory enactment relating to that undertaking with expenses incurred by the Corporation upon or in connection with the maintenance and repair of the streets in which such service was run but nothing in this section shall relieve the Corporation from any liability attaching to them in respect of such maintenance and repair.

(5) As from the date on which the Corporation shall have restored and made good the roads on which the existing tramways outside the borough are laid in pursuance of the provisions of this Act they shall cease to be under any obligation to maintain or repair any part of the roadway in which the said tramways are situate.

(6) The provisions of section 33 (Cheap fares for labouring classes) and section 36 (Periodical revision of rates and charges) of the Bournemouth Corporation Tramways Order 1900 shall apply to any service of omnibuses provided under the powers of this Act in substitution for a service of tramcars to the same extent as the said provisions applied to the tramways replaced by such service.

124.—(1) If and so long as the Corporation provide a service of tramcars trolley vehicles or omnibuses or a service of tramcars trolley vehicles and omnibuses along any protected route or part thereof and such service adequately meets the requirements of such protected route or part thereof it shall not be lawful except as in this section provided or except in pursuance of any agreement entered into by the Corporation under the

Restricting running of omnibuses in competition.

A.D. 1930. — provisions of the section of this Act of which the marginal note is "Working and other agreements with regard to omnibuses" for any company (except the Southern Railway Company in pursuance of their statutory powers) 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.

(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 borough 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 applied for or 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 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 Corporation 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) (a) The licensing authority of any area outside the borough in which any protected route or part thereof is situate shall on receiving any application (otherwise than from the Southern Railway Company acting under their statutory powers) for a licence for an omnibus to ply for hire on any protected route or a route in competition therewith in that area forthwith give notice in writing to the Corporation of the application and the Corporation shall be entitled to submit to the licensing authority any objections to or representations on the grant of the licence which they may think fit. A.D. 1930.

(b) The licensing authority when considering such an application as aforesaid shall have regard to the provisions of subsection (1) of this section and shall also consider any objections or representations submitted by the Corporation with reference to the application and if the licensing authority decide to grant the licence they shall attach thereto such conditions as to the routes along which the omnibus to which the licence relates shall or shall not ply for hire and such other conditions as may be necessary or desirable to protect the services (whether of tram-cars trolley vehicles or omnibuses or any combined service of any of such vehicles) for the time being provided by the Corporation on the protected route. Provided that the right of the applicant for the licence of appeal to the said Minister 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) The licensing authority shall on making their decision with respect to any application for such a licence as is referred to in this subsection forthwith give notice in writing to the Corporation of their decision.

(d) If the Corporation object to the decision of the licensing authority or to any conditions attached or to the non-attachment of any conditions to the licence the Corporation shall have a right of appeal to the said Minister within a period of fourteen days after receiving notice of the decision of the licensing authority and if the Corporation so appeal to the said Minister with respect to any such licence as aforesaid the licence shall not come into force until the matter has been determined by the said Minister under subsection (5) of this section.

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(5) 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 or the applicant for a licence be enforceable by writ of mandamus.

(6) 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 a particular part of a protected route or any other route in competition therewith if such omnibus serves a district or districts beyond the protected route 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 or other licensing authority to refuse the renewal of a licence to ply for hire with an omnibus along a protected route or a particular part of a protected route or a route in competition with a protected route if the omnibus was on the thirtieth day of November nineteen 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 any protected route (or part thereof) or any route in competition therewith or to entitle the Corporation or other licensing authority 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 or any licensing authority 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 except as regards an omnibus running on any service on the thirtieth day of November nineteen hundred and twenty-nine which was not on that date subject to such a condition. A.D. 1930.

(7) In this section the expression "protected route" means any existing tramway or trolley vehicle route of the Corporation or any part of any such existing tramway or trolley vehicle route and any of the trolley vehicle routes authorised by this Act or routes along which the Corporation may be running omnibuses under the powers of this Act.

(8) Nothing in this section shall apply to any omnibuses run by the Hants and Dorset Motor Services Limited along any route commencing within the borough and terminating at any point outside the borough not being a point on either of the routes described in subsection (1) of the section of this Act of which the marginal note is "Power to provide and run omnibuses" or along any route commencing at any such point and terminating in the borough.

125. The agreement made the twenty-fourth day of March nineteen hundred and thirty between the Corporation of the one part and the Hants and Dorset Motor Services Limited of the other part and set out in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto. Confirmation of scheduled agreement.

126.—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the passage of their tramcars trolley vehicles or omnibuses or to obstruct the view of drivers thereof the Corporation may require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to exercise those powers in respect of the trees hedges or shrubs to which the requisition refers. Trees overhanging highways on tramway trolley vehicle or omnibus routes.

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(2) If the said authority have not adopted the said section or having adopted the said section or being a county council the said authority refuse or neglect to exercise those powers in accordance with the said requisition the Corporation may apply to the Minister for and the Minister may make an order conferring on the Corporation all or any of the powers with reference to such street of a local authority under the said section in respect of the street or streets in which the said trees hedges or shrubs are situated.

(3) On the making of such order any authority having powers under section 23 of the Public Health Act 1925 shall during the continuance of the order cease to exercise such powers in respect of the said street or streets to the extent to which they have been conferred on the Corporation.

Application
of tramway
byelaws.

127. The Corporation may by resolution declare that any byelaws for the time being in force on the tramways of the Corporation shall with such modifications as they may deem necessary apply to and be enforceable with respect to their trolley vehicles or omnibuses and the premises held in connection therewith and the persons travelling in or upon the same Provided that any modifications as aforesaid shall be subject to the approval of the Minister of Transport.

Removal of
obstruc-
tions.

128. If any obstruction to the traffic on any of the tramways or trolley vehicle routes of the Corporation is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fail to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle.

For further
protection
of Poole
Corporation.

129. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Poole (in this section called "the Poole Corporation") shall unless otherwise agreed in writing between the Corporation and

the Poole Corporation apply and have effect (that is to say) :— A.D. 1930.

The Corporation shall not under or by virtue of the powers conferred upon them by the sections of this Act of which the marginal notes respectively are " Power to provide and run omnibuses " and " Working and other agreements with regard to omnibuses " provide or run or enter into any agreement authorising any other authority company or person to provide or run omnibuses within the borough of Poole except with the consent of the Poole Corporation which consent may be given upon such terms and subject to such conditions as the Poole Corporation in their absolute discretion may think fit.

130. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Christchurch (in this section referred to as " the Christchurch Corporation ") shall (unless otherwise agreed in writing between the Corporation and the Christchurch Corporation) apply and have effect (that is to say) :— For protection of Christchurch Corporation.

- (1) If and when the Corporation shall have ceased for a period of six consecutive months to operate a regular tramway service along any portion of the existing main tramway between the junction of Christchurch Road with Ashley Road in the borough and the existing tramway terminus in Christchurch the whole of such tramway shall for the purposes of this section be deemed to have been permanently abandoned and discontinued :
- (2) The Corporation shall give to the Christchurch Corporation not less than one month's previous notice in writing of their intention (whether in pursuance of subsection (1) of this section or otherwise) permanently to abandon and discontinue the tramways in the borough of Christchurch :
- (3) The Corporation shall within six months after the abandonment and discontinuance of the existing tramways in the borough of Christchurch take up and remove the rails paving and

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paving setts of the said tramways and (if trolley vehicles are not substituted) the overhead and other equipment of the said tramways and shall make good the surface of such portions of the roads in which such tramways are laid as are repairable by the Corporation under the provisions of section 28 of the Tramways Act 1870 in accordance with the provisions of this Act and clear away all surplus paving and metalling material and rubbish and properly fence watch and light the roads during the execution of such works :

- (4) The restoration of such portions as are repairable by the Corporation under the provisions of section 28 of the Tramways Act 1870 of such of the roads in which the tramways are laid as are vested in the Christchurch Corporation shall be carried out in accordance with specifications and particulars to be previously submitted to the Christchurch Corporation and reasonably approved by them prior to the commencement of the work. If within one month after the service on the Christchurch Corporation of the notice referred to in subsection (2) of this section the Christchurch Corporation give notice to the Corporation that they desire themselves to do the works necessary for the restoration of such portions of such roads as aforesaid the Corporation shall in lieu of carrying out the said works pay to the Christchurch Corporation in respect thereof such sum per superficial yard of the portions of the said roads so to be restored as may be agreed between the Corporation and the Christchurch Corporation or as in case of difference may be settled by arbitration under this section which sum shall be taken to represent the cost of the restoration of such portions of such roads as aforesaid to the reasonable satisfaction of the road authority as required by this Act :
- (5) The obligations and liabilities of the Corporation under the Tramways Act 1870 in relation to the maintenance of the portions of the roads vested in the Christchurch Corporation in which

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the tramways are laid shall continue until the Corporation shall have complied with their obligations under subsection (3) of this section :

- (6) If in pursuance of the provisions of the section of this Act of which the marginal note is " Power to use trolley vehicles " the Corporation provide maintain and equip trolley vehicles on any portion of the main tramway route in the borough between the junction of Christchurch Road with Ashley Road and Tuckton Bridge they shall simultaneously provide maintain and equip trolley vehicles on the route of the tramways in the borough of Christchurch from Tuckton Bridge along Stour Road Bargates and High Street to the junction of High Street with Castle Street and along Church Street :
- (7) No advertisement (other than time-tables and notices relating to the Corporation's tramways trolley vehicle or omnibus undertaking) shall be displayed on any apparatus erected or used on any road or bridge in the borough of Christchurch under the powers of this Act without the consent of the Christchurch Corporation :
- (8) The Christchurch Corporation with the consent of the Corporation may use free of cost for the purpose of fixing thereto street lamps lighting brackets street names fire alarm plates or direction signs any posts or standards provided or used by the Corporation in the borough of Christchurch under or by virtue of the provisions of this Act but not so as to interfere with the use of such posts or standards for the purposes of the Corporation or to make the same unfit for such purposes or dangerous to persons or traffic in or passing through the adjoining streets or roads and the Christchurch Corporation shall pay the cost where necessary of insulating the posts or standards so used and shall make compensation to the Corporation for any damage which may be caused to the said posts or standards by reason of the exercise of the powers contained in this subsection and shall indemnify the Corporation against any claim or demand which may be occasioned by such

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user Any consent of the Corporation under this subsection shall not be unreasonably withheld :

- (9) If it is reasonably necessary to alter the position of any post bracket or overhead wire erected or used for the purposes of the trolley vehicles of the Corporation in the borough of Christchurch owing to the widening or improvement of any road by the Christchurch Corporation the Corporation shall at the expense of the Christchurch Corporation alter the position of such post bracket or overhead wire in such manner as the Christchurch Corporation may direct :
- (10) All posts and apparatus to be erected by the Corporation under the powers of the section of this Act of which the marginal note is " As to electrical works " in any street or road in the borough of Christchurch shall be of such design as the Christchurch Corporation may approve and such posts and apparatus and all such apparatus placed or laid under any such street or road shall be placed in such position as the Christchurch Corporation may approve :
- (11) The Corporation shall not under the powers of the section of this Act of which the marginal note is " As to electrical works " place or erect any apparatus in under or over the surface of any street or road vested in the Christchurch Corporation for the purpose of connecting a trolley vehicle route with a generating station without the consent of the Christchurch Corporation :
- (12) The trolley vehicles run by the Corporation in the borough of Christchurch shall be of the same type as those used in the borough for services similar to those given in the borough of Christchurch :
- (13) The Corporation shall not exercise the powers of the section of this Act of which the marginal note is " Attachment of signs indicating stopping places to lamp-posts &c. " in respect of any posts poles standards or other similar erections belonging to the Christchurch Corporation nor the powers of the section of this Act of which

the marginal note is "Cloakrooms &c." in A.D. 1930.
respect of any highway in the borough of Christchurch without the consent of the Christchurch Corporation : —

- (14) The Corporation shall in every year within a reasonable period after the close of their financial year furnish to the Christchurch Corporation a copy of the annual accounts of the Corporation so far as they relate to any service of trolley vehicles or omnibuses which the Corporation may operate :
- (15) Any consent or approval of the Christchurch Corporation under any of the subsections of this section shall not be unreasonably withheld :
- (16) Any difference which may arise between the Corporation and the Christchurch Corporation with regard to any of the matters referred to in this section or as to whether or not any consent has been unreasonably withheld shall be settled by an engineer to be appointed in default of agreement on the application (after notice in writing to the other of them) of the Corporation or the Christchurch Corporation by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 or of any statutory modification or re-enactment thereof shall apply to any such arbitration.

131. The following provisions for the protection of the Southern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in relation to the trolley vehicles (that is to say) :—

For protection of Southern Railway Company.

- (1) In this section the word "apparatus" means standards brackets conductors mains cables wires posts poles and any other apparatus and equipment for the purpose of working trolley vehicles under or in pursuance of this Act :
- (2) All apparatus where the same shall be placed or erected upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or which will otherwise affect the same shall be placed or

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erected and maintained according to plans and particulars to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided. Provided that if the company shall not within twenty-eight days from the delivery of such plans and particulars signify their disapproval thereof they shall be deemed to have approved thereof :

- (3) All apparatus shall be placed or erected under the superintendence (if such superintendence be given) and to the reasonable satisfaction of the company. The Corporation shall place erect maintain and use the apparatus so as not injuriously to affect any such bridge or approaches or other work and in the event of any injury being occasioned to such bridge or approaches or work by the placing erection maintenance user or removal of the apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :
- (4) The Corporation shall bear and on demand pay to the company the reasonable expense (if any) incurred by the company of and in connection with the employment by the company during the placing erection maintenance or removal by the Corporation of any apparatus affecting any railway bridge or other work belonging to or maintainable by the company of such inspectors signalmen and watchmen as may be reasonably necessary for inspecting watching and protecting such railway bridge or work and the conduct of the traffic on such railway with reference to and during the placing erection maintenance or removal of any apparatus of the Corporation and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them while engaged upon work of the Corporation :

- (5) The Corporation shall not in any manner in the placing erection maintenance or removal of any apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to or maintainable by the company or any traffic thereon : A.D. 1930.
- (6) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or to any company or person using the same by or by reason of the placing erection maintenance user or failure of any apparatus or by reason of any act default or omission of the Corporation or of any person in their employ or of their contractors while engaged upon work of the Corporation and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such placing erection maintenance user or failure or of any such act default or omission :
- (7) If the company shall hereafter require under statutory powers existing at the passing of this Act to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other works under or upon which the apparatus is laid or to widen or alter any railway thereunder or thereover the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that the apparatus be taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence)

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but no such working or user shall be stopped or delayed for a longer period than may be necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable dispatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

- (8) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstruction alteration or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company constructed under statutory powers existing at the passing of this Act by reason of the existence or user of the works or apparatus :
- (9) If and when the company shall require to reconstruct alter repair or paint any bridge constructed under statutory powers existing at the passing of this Act under which any electric wire of the company has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen approved by the said engineer Provided that the Corporation shall not be required to cut off the electric current at any time for a longer period than shall be necessary for effecting the purpose of the company :
- (10) If having regard to the proposed position of any apparatus of the Corporation when considered in relation to the position of the works of the company at any point where any apparatus will be constructed over or under any

railway or other works of the company constructed under statutory powers existing at the passing of this Act it becomes necessary in order to avoid injurious affection or danger from the breaking or falling of wires that any electric telegraphic telephonic or signal wires or apparatus or electrical works or apparatus for traction purposes of the company shall be altered or protected the company may execute any works reasonably necessary for such protection or alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation :

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- (11) Any difference which may arise under this section between the Corporation and the company shall be settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

132. The following provisions for the protection of the Southern Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say) :—

For further protection of Southern Railway Company.

- (1) On the taking up or removal by the Corporation under the section of this Act of which the marginal note is "As to abandonment of tramways" of any rails posts poles wires or other works and apparatus situate on or attached to any bridge or bridge approaches or property belonging to or maintainable by the company the Corporation shall to the reasonable satisfaction of the company restore the surface of any road on such bridge or bridge approaches or any property disturbed by such taking up or removal and make good all damage thereto :
- (2) The Corporation shall give to the company not less than seven days' previous notice in writing of their intention to carry out any such works as are referred to in subsection (1) of this section and shall state in such notice the place

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and time at which they propose to commence those works and the company may where reasonably necessary employ watchmen or inspectors to watch any of such works and operations of the Corporation and the reasonable cost thereof together with any expense to which the company may reasonably be put in consequence of such works and operations shall be borne by the Corporation :

- (3) Any difference which may arise under this section between the Corporation and the company shall be settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For further
protection
of railway
companies.

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

PART V.

STREETS BUILDINGS AND DRAINS.

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

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

(2) In this section the expression “ lay out a new street ” includes the formation of a new street or the

widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street. A.D. 1930.

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

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

(5) (a) Any person aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court shall seem just.

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

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

135.—(1) The Corporation may agree with the owner of any land in any street in the borough to give up land for the purpose of widening opening enlarging or otherwise improving such street or any other street in the borough in exchange for any part of any street which shall front other land belonging to such owner and shall

Exchange of parts of streets dis-used.

A.D. 1930.

be behind the general line of such street or which shall in the 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.

(2) Notwithstanding any agreement 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 as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to the 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.

Adjustment
of bound-
aries of
estates.

136.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the borough are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by

any such person shall not be made a term or condition of any award made under this section otherwise than with his consent. A.D. 1930.

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

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

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

137.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Cor- Frontage
line in
new streets†

A.D. 1930.

poration for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street. A.D. 1930.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(8) Any person aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

138.—(1) Any person who lays out a new street or part of a new street in the borough shall if required by the Corporation so to do construct the carriageway and footway of such new street or part of a new street with a sufficient and solid foundation of suitable material to the approval of the Corporation. Provided that the execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892. As to new streets.

(2) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds.

(3) The provisions of this section shall not apply to any new street laid out by a railway company for the purpose of providing access to any station or depot of such company.

139. The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws. Byelaws as to alteration of streets.

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Byelaws as
to intersect-
ing streets.

140. 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.

Banners
and signs
over streets.

141.—(1) If any banner streamer sign or lettering shall after the passing of this Act be suspended across the carriageway of any street in the borough without the permission in writing of the Corporation the owner or person responsible for such suspension shall be liable to a penalty not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the banner streamer sign or lettering.

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

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

(4) Any person aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and

is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. A.D. 1930.

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

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

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

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

143. 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 borough repairable by the inhabitants at large. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport. Power to determine width of carriageways and footways.

144. The Corporation may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any schools within the borough for the purpose of preventing danger from traffic along such carriageways to children going to or coming from such schools and may remove the same when the Corporation shall think fit. Power to place fences near school entrances.

145. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant within the Fire plugs.

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borough or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Police tele-
phone call
boxes
traffic sig-
nalling
apparatus
and fire
alarms.

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

Direction
signs.

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

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

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

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

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

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—
Restrictions
on rights
of breaking
up streets in
borough.

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and settlement.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any streets in cases of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or

A.D. 1930. damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or water as the case may be In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

As to
hoardings
and similar
structures.

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

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

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

(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. A.D. 1930.

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

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a 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.

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

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

(3) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and of the grounds thereof

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to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Repair of
hoardings.

151. The Corporation may by notice in writing require the owner of or other person using any hoarding wall or similar structure in the borough for advertising purposes to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from the owner any expense incurred by them in so doing.

As to
erection of
hoardings
&c. at
street
corners.

152.—(1) Before placing or erecting any hoarding 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 in the borough 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 so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets of the borough 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 six weeks 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 six weeks 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 the expense incurred by them in so doing from such person.

(4) (a) Any person 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 such court is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

A.D. 1930.

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

(5) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

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

As to
erection of
retaining
walls.

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

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

Restriction
on erection
of tem-
porary
stands &c.

A.D. 1930.

(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.

Provisions
as to fore-
courts.

155.—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt within the borough 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.

(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.

Elevations
of buildings
erected on
front lands
to require
approval.

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

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

(ii) If the owner lessee or occupier of any such land shall construct— A.D. 1930.

(a) any door or entrance in an existing building communicating with that street; or

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

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

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

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

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

157.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a building in any street within the borough shall furnish the Corporation with drawings of the elevations of the building and particulars of the materials to be used in those parts of the building which are comprised in the elevations (which drawings and particulars are in this section included in the expression "elevations").

Elevations
of new
buildings
fronting
streets.

(2) For the purpose of assisting the Corporation in the exercise of the power of approving or disapproving elevations hereinafter conferred a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a

A.D. 1930. Fellow of the Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council :

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

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

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

(a) approve the elevations; or

(b) if they shall consider that having regard to the general character of the existing buildings in the street or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

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

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

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

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building is considered to be objectionable.

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

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

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

(9) 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 acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

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

A.D. 1930. Corporation they shall be recoverable by the person submitting the elevations in the like manner.

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

Erection of buildings to greater height than adjoining building.

158.—(1) In case any building within the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Corporation and if it 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 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.

As to dangerous buildings.

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

(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. A.D. 1930.
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160. The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building. Byelaws
as to altera-
tions of
buildings.

161. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to— Extension
of section
157 of ~~the~~
Public ~~the~~
Health Act
1875.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;

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- (vi) the testing of drains of new buildings;
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and of the blocking of the pipes therefrom;
- (viii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws.

Further amendment of section 157 of Public Health Act 1875.

162.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be altered and construed as if the following sub-paragraphs 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 whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;

“ (6) For securing the adequate lighting of buildings.”

(2) The said section 157 shall also in its application to the borough be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

As to restriction of air space.

163. Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words “ space about buildings ” had been inserted therein before the words “ drainage of buildings ” in subsection (2) of that section. Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of such byelaw.

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

A.D. 1930.

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Means of
escape from
buildings in
case of fire.

(2) (a) From and after the first day of July nineteen hundred and thirty-one the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or boarding-school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire fighting and first aid appliances and proper and sufficient means of escape in case of fire from each upper storey the upper surface of the floor whereof is above twenty feet from the street level for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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

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

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

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

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

(6) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

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

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

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Food
storage
accom-
modation.

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

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

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

(d) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this subsection he may apply to the county court of Dorsetshire and Hampshire holden in the borough and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

166. Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890

Area of
habitable
rooms.

A.D. 1930. — in its application to the borough shall have effect as if the words " and floor area " had been inserted therein after the word " height " in subsection (1) of that section.

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

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

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

Byelaws as to secondary means of access.

168. The power of the Corporation to make byelaws with respect to secondary means of access under section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect within the borough fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

Provisions as to tents vans &c.

169. Any tent van shed or similar structure standing upon land in the borough 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 borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Prohibition of tents vans &c.

170.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Corporation.

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human

habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation. A.D. 1930.
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(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to (a) a tent van shed or similar structure unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder travelling with a travelling show not being a pedlar or hawker.

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

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

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

172.—(1) If it appears to the Corporation that two or more houses within the borough may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by Combined drains.

A.D. 1930. the Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

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

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

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Houses
connected
with single
private
drain.

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

shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly. A.D. 1930.
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(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

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

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

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

A.D. 1930.

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

As to
repair of
drains.

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

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

Wilful
damage to
drains
water-
closets &c.

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

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises or other person aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Sanitary
conveni-
ences for
workmen
engaged on
buildings.

178.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction

or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed. A.D. 1930.

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

179.—(1) All drawings plans elevations sections specifications and written particulars descriptions or details required to be deposited with the Corporation or any officer of the Corporation by any enactment for the time being in force in the borough or any byelaws thereunder shall be deposited in duplicate and the Corporation may retain one of the copies so deposited. As to plans deposited with Corporation.

(2) Section 26 (Plans &c. deposited to belong to Corporation) of the Bournemouth Improvement Act 1892 is hereby repealed.

180. Nothing in this Part of this Act except the sections whereof the marginal notes are— Saving for railway companies.

“ Banners and signs over streets ” ;

“ As to pavement lights ” ;

“ Direction signs ” ;

“ As to hoardings and similar structures ” ;

“ Restrictions on advertisement hoardings ” ;

“ Repair of hoardings ” ;

“ As to erection of hoardings &c. at street corners ” ;

“ Restriction on erection of temporary stands &c. ” ;

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

“ Prohibition of tents vans &c. ” ;

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

Provided that the provisions of the section of this Act of which the marginal note is “ As to hoardings and

A.D. 1930. — similar structures ” shall not apply to a wall (not being a wall of a dwelling-house) 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 so long as such wall is used or held by such railway company primarily for railway purposes.

For
further
protection
of Bourn-
mouth Gas
and Water
Company.

181.—(1) Whenever the Corporation—

(a) in the exercise of the powers of the section of this Act of which the marginal note is “ Exchange of parts of streets disused ” shall give up land forming part of a street in exchange for other land;

(b) in the exercise of the powers of the section of this Act of which the marginal note is “ Power to determine width of carriageways and footways ” shall alter a footway or part thereof into a carriageway;

there being in such first-mentioned land or under such footway as the case may be any apparatus of the Bournemouth Gas and Water Company (in this section called “ the company ”) the company may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Corporation shall repay to the company the reasonable expenses of and in connection with such alteration of position.

(2) If any difference arise between the Corporation and the company under the provisions of this section such difference shall be referred to and determined by a single arbitrator to be agreed upon between the Corporation and the company or failing agreement to be appointed or nominated on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to any such reference.

(3) In this section the expression “ apparatus ” means and includes mains pipes works and apparatus laid down or used for carrying conveying or supplying water or gas.

(4) Any building of the company (not being a dwelling-house) shall be exempt from the operation of

any byelaws made by the Corporation under the powers of the sections of this Act of which the marginal notes are respectively "Elevations of new buildings fronting streets" "Byelaws as to alterations of buildings" "Extension of section 157 of Public Health Act 1875" "Further amendment of section 157 of Public Health Act 1875" "As to restriction of air space" and "Byelaws as to secondary means of access."

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PART VI.

INFECTIOUS DISEASE AND SANITARY MATTERS.

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

Definition
for pur-
poses of
this Part of
Act.

183.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

Parents
to notify
infectious
disease.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section the expression "school" shall include a Sunday school.

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

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

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

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

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

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

Informa-
tion to be
furnished
in case of
infectious
disease.

186.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or

A.D. 1930.
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within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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

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

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

Names of laundrymen to be furnished.

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

188.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) within the borough would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

Disinfection in case of tuberculosis

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

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

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

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

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

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the

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

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

Prohibition on infected person carrying on business.

190. When any person suffering from infectious disease shall die within the borough of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding two pounds.

Removal of body of person dying of infectious disease.

191.—(1)—

- (a) any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough; and
- (b) any premises within the borough used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

Registration of ice-cream manufacturers 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.

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(2) No person shall within the borough 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 borough 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.

For regu-
lating
manufac-
ture and
sale of
ice-cream
&c.

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

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

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

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

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193.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for food.

Byelaws
as to
transport
of food.

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

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

Registration
of premises
used for pre-
paration of
potted and
preserved
foods.

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

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(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

As to
inspection
of premises
used for
storage of
food.

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

(2) The expression “ public analyst ” in this section means the analyst appointed by the Corporation in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

Penalty
on original
vendor of
unsound
food.

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

(2) Where any animal or article of food has been condemned by a justice under the said section 117 as amended by the said section 28 the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said 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 the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be 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.

197. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section the medical officer or the 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

Further powers in relation to unsound food.

A.D. 1930.

vehicle belonging to any such company the powers 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 or delivery of goods by any such company.

Byelaws
as to
inspection
of meat.

198.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 the Corporation may make and enforce byelaws for preventing meat or any part of the carcass of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation.

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

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of ten miles from the town hall of the borough for the purpose of inspecting any carcass or any part thereof intended for sale or consumption in the borough.

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

association and branch shall be entitled to make representations to the Minister with regard thereto. A.D. 1930.

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

199.—(1) If the owner of any dwelling-house or premises occupied therewith within the borough represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879

As to
filthy
premises.

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

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

Regulation
dustbins.

(2) Every owner or occupier having provided any dustbin pursuant to this section shall maintain the same in good order and condition.

(3) Provided that the foregoing provisions of this section shall not apply to any covered ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

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

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

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

Provision
of dustbins
by Cor-
poration.

201. The Corporation may at the request of the occupier of any premises within the borough provide and maintain at such premises a galvanised iron dustbin or galvanised iron dustbins on such terms and conditions and at such monthly quarterly or annual charge as may be agreed between such occupier and the Corporation.

Discon-
tinuance of
offensive
trade.

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

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be

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

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

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

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

203.—(1) Every medical practitioner attending on a person in the borough 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 practitioners 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.

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Removal of
infirm and
diseased
persons in
certain
cases.

204.—(1) If the medical officer certifies in writing that any person in the borough—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof 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 interest 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 or other institution or other suitable place provided within the borough or within a convenient distance of the borough 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.

(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 his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other 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 and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such

contributions as the Corporation think fit or as may be directed by the court as the case may be. A.D. 1930.

(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.

205.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his

A.D. 1930.

employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

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

206.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Registration
of house-
boats in
borough.

207.—(1) The Corporation on payment to them for the registration of any houseboat on any navigable river in the borough of the sum appointed by them and on delivery to them on a form prescribed by the byelaws made by the Corporation in pursuance of the powers of the section of this Act of which the marginal note is "Byelaws with regard to houseboats" of such particulars concerning such houseboat (including the name and address of the owner thereof) as such byelaws may require shall assign to such houseboat a number and shall register such houseboat in a book to be kept by the Corporation for that purpose at the town hall in the borough together with the several particulars aforesaid and the number assigned to such houseboat and shall grant to the owner of such houseboat a certificate of such registration bearing the number assigned to such houseboat and such certificate shall be in force for the period prescribed by such byelaws and (unless renewed) no longer but the Corporation shall from time to time grant a renewal of such certificate for the period and on payment of the sum in respect of every renewal respectively for the time being prescribed and

appointed by such byelaws and every such certificate and any renewal thereof is in this section referred to as a "houseboat certificate." A.D. 1930.

(2) Provided that the sum to be paid for the registration of any houseboat as aforesaid or for the renewal of any houseboat certificate shall not exceed one pound.

(3) Provided also that the period for which any houseboat certificate shall be in force shall not be less than one year.

208. The Corporation may from time to time make such byelaws as they may think fit with regard to the use of houseboats for purposes of habitation on any navigable river in the borough for all or any of the following purposes (namely):—

Byelaws with regard to houseboats.

The registration and regulation of such houseboats;

The prevention of the passing into any such navigable river from or out of any such houseboat of any sewage or any other offensive or injurious matter whether solid or fluid;

For compelling with a view to the prevention of pollution of any such navigable river the alteration as the Corporation may think fit of such houseboats and the provision of such houseboats with such sanitary appliances as the Corporation may require.

209. The provisions of section 43 (Nuisance caused by occupation of tents vans &c.) of the Public Health Act 1925 shall extend and apply to any houseboat which is used for human habitation on any navigable river in the borough in such a way as to be a nuisance or injurious to health or to cause a nuisance or give rise to conditions injurious to health.

Extension of section 43 of Public Health Act 1925 to houseboats.

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

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

A.D. 1930. — opinion of the Corporation injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

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

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

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

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds. A.D. 1930.
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211.—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses. Power to purchase slaughter-houses.

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

PART VII.

BATHS &C. AND PARKS AND RECREATION GROUNDS.

212. Subject to the provisions of this Act—

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

As to
baths and
bathing
pools.

(2) The Corporation may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply

A.D. 1930.
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to such baths and bathing pools and the Corporation may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make.

Medicated
and other
baths.

213. The Corporation may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water) and they may demand and take such reasonable charges for the use thereof as they may think fit.

Use of
swimming
baths for
exhibitions
&c.

214. The Corporation may use or may let on such conditions as they may think fit any swimming bath or bathing pool belonging to them for swimming contests practices aquatic exercises water polo matches life saving classes exhibitions and entertainments or for meetings and the Corporation may also make such charges as they think fit for admission to and for letting any swimming bath or bathing pool as aforesaid on any such occasion or for any of such purposes.

Pro-
grammes.

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

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

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

As to parks
&c. outside
borough.

217. Any park recreation ground or pleasure ground which has been or shall be provided by the Corporation outside the borough shall be deemed to be within the borough for the purposes of any statutory provision as to parks recreation grounds or pleasure grounds which

would have applied or been applicable thereto if the same had been situate within the borough Provided that nothing in this section shall affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction or of any police constable.

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218. The Corporation may appropriate and set apart such part or parts of their parks and pleasure grounds not exceeding in the case of any park or pleasure ground one acre as the Minister may sanction as a parking place or as parking places for vehicles and the part or parts of the said park or pleasure ground so appropriated and set apart shall be held and used as a parking place or as parking places under and subject to the provisions of subsections (4) (6) (7) and (9) of section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925.

Power to set apart parts of parks and pleasure grounds as parking places for vehicles.

PART VIII.

ACQUISITION &C. OF LAND AND TOWN PLANNING.

219.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

Further powers for acquisition of land.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister

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any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

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

Retention
and disposal
of lands.

220.—(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 borough (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 :

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

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in

which such consent would have been required if this Act had not been passed. A.D. 1930.

(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.

221.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the power of any Act or Provisional Order and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid. Powers with reference to leases of surplus lands.

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

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

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

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—
with
reference to
developed
lands.

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

Explanation
of section 5
of Act of
1925.

223. For the prevention of doubt be it enacted that paragraph (*d*) of subsection (2) of section 5 of the Act of 1925 (which relates to the suspension of statutory enactments) shall not apply to the provisions contained in this Part of this Act.

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

224. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement :

Provided that the Corporation shall not under a town planning scheme made in pursuance of this Part of this Act purchase otherwise than by agreement any land abutting on a new street or an existing street as proposed to be widened under such scheme for the purpose of securing the development or re-development of such land but nothing in this section shall prejudice or affect the operation of the Public Health Acts.

As to pro-
perties of
which parts
only are
required
for town
planning
schemes.

225.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory in respect of which the Corporation have served upon him notice to treat for a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege

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that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

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

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

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

(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be

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

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

Restriction
on rights of
purchase in
certain
cases.

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

(2) The Corporation shall not under this Part of this Act be entitled to purchase compulsorily any land which at the date of the order authorising the compulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house without the consent of the owner of such land but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be referred to and determined by the arbitrator to whom any question of disputed compensation would be referred under the said order.

Limitation
of require-
ments
under
scheme.

227.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within

the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as— A.D. 1930.

- (a) to require the demolition removal or alteration of any building existing at the date of the notice convening the meeting of the council at which the draft scheme is proposed to be adopted or of which the erection was commenced before that date; or
- (b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose;

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

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

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

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners a copy of the

A.D. 1930. order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

(5) For the purposes of this section the word "owner" has the same meaning as in the Lands Clauses Acts.

Modifica-
tions of
section 10
of Act of
1925.

228. For the purposes of subsection (2) of section 10 of the Act of 1925 the date of the notice convening the meeting of the council at which a draft town planning scheme under this Part of this Act is proposed to be adopted shall be substituted for the several dates referred to in that subsection.

Compulsory
purchase
and in-
jurious
affection of
lands.

229. If the owner of any property which is acquired compulsorily for the purposes of or in connection with or is injuriously affected by a town planning scheme made under this Part of this Act is entitled to claim compensation in respect of such acquisition or injurious affection any mortgagee lessee under-lessee or occupier of such property shall be entitled to claim compensation in respect of such acquisition or in respect of any injurious affection to his interest in the property or in any trade or business carried on by him thereon under the provisions relating to the compulsory acquisition of land contained in the Act of 1925.

PART IX.

SALE OF COKE.

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

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

Penalty on
fraudulent
sale.

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

five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds. A.D. 1930.

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

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

234.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough. Notice to be given of this Part of Act.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART X.

WEIGHING MACHINES.

235.—(1) In this section the expression "personal weighing machine" means any weighing machine which is used or exposed for use in the borough for the purpose of ascertaining the weight of a person (a) for the use of which a charge is made or (b) which is kept in any shop premises or place in the borough to which the public have access. As to personal weighing machines.

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

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve months from the date of this Act every person who has in his possession or under his control any personal

A.D. 1930. — weighing machine which is not so marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited.

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

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

(b) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second offence ten pounds.

(6) The Corporation may make byelaws—

(a) Generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions under which such marks may be affixed or cancelled;

(b) With respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;

- (c) For fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section; A.D. 1930.
- (d) For fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

236. The Corporation may provide and maintain automatic machines for weighing persons in any premises belonging to them and may charge for the use thereof. Corporation may provide automatic weighing machines.

PART XI.

FINANCIAL PROVISIONS.

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

Power to borrow.

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(a) For and in connection with the provision of trolley vehicles.	£ 300,000	Ten years from the date or dates of borrowing.
(b) For and in connection with the provision and adaptation of electrical equipment and the construction of other works necessary for working trolley vehicles.	157,000	Twenty years from the date or dates of borrowing.
(c) For and in connection with the provision of omnibuses.	300,000	Eight years from the date or dates of borrowing.

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(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(d) For and in connection with the erection and adaptation of buildings for the purposes of trolley vehicles and omnibuses.	£ 80,000	Thirty years from the date or dates of borrowing.
(e) For the reconstruction of the roads upon which tramways to be removed or discontinued under this Act are situate.	63,000	Twenty years from the date or dates of borrowing.
(f) For the payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also borrow with the consent of the Minister of Transport such further moneys as may be necessary for any of the purposes of Part IV (Trolley vehicles omnibuses and tramways) of this Act and with the consent of the Minister such further moneys as may be necessary for any of the other purposes of this Act.

(b) The Corporation may also borrow with the consent of the Minister of Transport such further moneys as may be necessary for the purpose of providing a fund for working capital as respects the tramway undertaking of the Corporation or the trolley vehicle or omnibus undertakings authorised by this Act.

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

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

Mode of
raising
money.

238. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local

Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. A.D. 1930.

239. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :— Provisions of Public Health Act 1875 as to mortgages to apply.

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages).

240. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing. Mode of payment off of money borrowed.

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

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

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

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

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

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

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act

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—

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

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

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

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister may determine.

(12) All moneys which at the date of the passing of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this

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Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

(13) Sections 18 (Provisions as to sinking fund) and 19 (Application of sinking fund) of the Bournemouth Corporation Act 1897 are hereby repealed.

Power to
re-borrow.

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

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

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

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

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

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 20 (Power to re-borrow) of the Bournemouth Corporation Act 1897 is hereby repealed. A.D. 1930.

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

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

(a) all moneys borrowed by the Corporation whether by issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

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

(c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and

(d) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding :

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

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(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(a) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and

(c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Corporation and remaining outstanding :

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all bonds and stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

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

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

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

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Investment
of and pay-
ments into
sinking
fund.

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

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

Use of
moneys
forming
part of
sinking and
other funds.

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

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund

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rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Evidence of transfer or transmission of securities.

247. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Receipt in case of persons not sui juris.

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

249. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them. A.D. 1930.
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Interest on mortgages held jointly.

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

251.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than one thousand pounds in the whole. Appointment of receiver.

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

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

253. All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Application of moneys borrowed.

254. Any expenses of the execution by the Corporation of this Act with respect to which no other provision Expenses of execution of Act.

A.D. 1930. is made shall be defrayed by the Corporation out of the general rate fund.

Return to
Minister
with respect
to repay-
ment of
debt.

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

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

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

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

256.—(1) 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.

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

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

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

Accounts.

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

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(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 all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

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

Reserve
funds for
Corpora-
tion's under-
takings.

258.—(1) As from the first day of April nineteen hundred and thirty-one section 37 (Application of tramway revenue) of the Bournemouth Corporation Act 1901 shall be repealed.

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

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking concerned or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit

of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. A.D. 1930.

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

(5) Any moneys at the said date standing to the credit of any reserve fund formed in respect of any of the said undertakings shall be carried to the credit of the reserve fund in respect of such undertaking formed under the provisions of this section.

259. 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 borough (other than purposes of the tramways trolley vehicle and omnibus undertaking and the piers undertaking) and such fund shall be formed by annually appropriating thereto out of the general rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of twopence in the pound calculated in manner provided by rules from time to time made by the Minister under the Rating and Valuation Act 1925 Provided that when the fund aforesaid shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of ten thousand pounds. Lands fund.

260.—(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 Insurance fund.

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

- (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 tramways trolley vehicles omnibuses ferries fire engines scavenging vehicles motor cars and motor transport and horse-drawn vehicles and generally in the carrying out by the council of their duties as 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 undertakings or works or plant of the Corporation;
- (vii) Risks of loss due to infidelity of officials of the Corporation;
- (viii) Any other risks 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 equal to the aggregate amount of the premiums which would

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

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- (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 premiums paid for the last mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the insurance fund shall amount to one hundred and fifty 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 one hundred and fifty 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 one hundred and fifty 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 premiums 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 subject to the provisions of this Act be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds.

(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

A.D. 1930: 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 college school institute or hostel.

(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 and on such security as the 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 may direct having regard to the risks through which such deficiencies arise.

Renewal
and repairs
fund.

261.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the "renewal and repairs fund" any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation in connection with the provision of horses carts mechanically-propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts of the Corporation at the thirty-first day of March in any such year.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed an amount equal to one-third part of the cost referred to in subsection (1) of this section.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works and equipment referred

to in subsection (1) of this section and the repair of carts mechanically-propelled vehicles stables depots boilers equipment and apparatus and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses. A.D. 1930.

262.—(1) Section 124 of the Bournemouth Improvement Act 1892 shall be extended— Further powers with regard to allowances and gratuities.

- (a) To allow the payment of a gratuity not exceeding two years' pay (in lieu of one year);
- (b) To allow the payment of weekly or other periodical payments in lieu of a gratuity;
- (c) To allow the payment of such gratuities or weekly or other periodical payments to officers and servants who may become incapacitated through age sickness or other infirmity and to the widow and family of any such officer or servant as the Corporation may think fit.

(2) In and for the purposes of the said section 124 as extended by this section the expression " officers or servants " shall include in a case not within the Teachers (Superannuation) Acts 1918 to 1925 or any other Act for the time being in force relating to the superannuation of teachers any teacher who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the district or permanently and exclusively employed in any public elementary school in the district whether provided by the Corporation as the local education authority or not so provided.

263.—(1) The period within which the Corporation shall pay off the moneys borrowed by them under the sanctions of the Minister dated respectively the sixth day of October nineteen hundred and twenty-four and the fourteenth day of September nineteen hundred and twenty-six in respect of " the Pavilion " shall be forty years from the dates of borrowing. Extension of period for repayment of moneys borrowed in respect of Pavilion.

(2) Any sinking fund already established by the Corporation for the purpose of providing for the repayment of the said moneys shall be recalculated and adjusted so as to accord with the provisions of subsection (1) of this section and any amount by which the sums paid by the

A.D. 1930. Corporation into such sinking fund exceed the sums required for such sinking fund in accordance with this section shall together with any interest accumulated in such sinking fund be credited in reduction of the sums hereafter to be paid in by the Corporation to such sinking fund.

Power to
borrow by
issue of
bonds.

264.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (to be called “ Bournemouth Corporation bonds ” and in this Act referred to as “ bonds ”) in accordance with the provisions of this Act.

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

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

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

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

Application
of section 79
of Public
Health Act
1925.

265. The provisions of section 79 (Amendment of 38 & 39 Vict. c. 55 s. 234 as to interest on sinking fund) of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing power as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875.

Alteration
of rate
basis for
sinking

266. Notwithstanding anything contained in any Act of Parliament or Order the rate of accumulation of the annual payments to any sinking fund being an

accumulating sinking fund which the Corporation are required by such Act or Order to set aside for repayment of borrowed moneys may be reckoned at a rate not exceeding three and a half per centum or such higher rate as the Minister may from time to time approve. . . .

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 fund calculations of Corporation.

267. Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

All stock and loans to rank equally.

PART XII.

MISCELLANEOUS PROVISIONS.

268.—(1) On and after the date of the passing of this Act the council shall cease to be the authority for executing the Burial Acts 1852 to 1906 within the Bournemouth burial area and such area shall cease to exist and the said Acts shall cease to apply to the part of the borough included in such area.

Burial grounds to be vested in Corporation as urban district council under Public Health Acts.

(2) Upon the said burial area ceasing to exist all property rights powers and duties vested in the Corporation as the authority for executing the said Acts in the said area shall be vested in the Corporation as an urban district council under the Public Health Acts and all burial grounds and cemeteries which may then belong to them in any capacity shall be vested in them as an urban district council as aforesaid and the provisions of the last-mentioned Acts shall apply to all such burial grounds and cemeteries.

(3) Any moneys in the hands of the Corporation as the said authority in the said burial area in respect of the Wimborne Road Cemetery shall be applied in or towards the extinguishment of any loan raised by them under any of their powers (such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister) or in such other manner as may be approved by the Minister.

(4) On and from the appointed day all property rights powers and duties vested in the Kinson Parish

A.D. 1930. Council or the Christchurch Joint Burial Committee as the authority for executing the Burial Acts 1852 to 1906 in any part of the added areas shall be vested in the Corporation as an urban district council under the Public Health Acts.

Increase of pier tolls.

269. Schedule A to the Bournemouth Improvement Act 1856 as amended by the Boscombe and Bournemouth Piers Order 1903 shall be altered so as to provide that the toll for every person who shall use the piers or approaches for the purpose of walking for exercise pleasure or otherwise shall not exceed threepence for each and every time.

Gifts and bequests.

270.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject matter of the gift.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Act of 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the chief financial officer and shall be made up and audited as part of the general accounts of the Corporation.

Power to establish information bureaux.

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

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

A.D. 1930.

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Provision of lectures.

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

Silencers for internal combustion engines.

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

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company and used by them for the purposes of their railway undertaking.

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

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

Compensation for injuring lamps &c.

275. If a justice is satisfied on complaint by any rating officer that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and

Recovery of rate from persons removing.

A.D. 1930. — intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rating officer or other authorised officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Committees
of council.

276.—(1) Any committee appointed by the council under the Municipal Corporations Acts or any other Acts or any local Act or Order confirmed by or having the force of an Act of Parliament shall if the council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875 Provided that the provisions of this section shall not affect the powers of any watch committee appointed under section 190 of the Municipal Corporations Act 1882 acting as police authority for the borough.

(2) So much of section 22 of the Municipal Corporations Act 1882 as is inconsistent with subsection (1) of this section shall cease to apply to the Corporation.

Service of
summons on
members of
council.

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

Certain
provisions
of this Act
to cease on
passing of
general Act.

278. The sections of this Act of which the marginal notes are respectively “ Regulations for controlling traffic ” “ Regulations as to stands or stopping places of omnibuses ” and “ Omnibuses to run in accordance with time-tables ” and subsection (6) of the section of this Act of which the marginal note is “ Power to provide and run omnibuses ” shall cease to have effect on the passing during the present session of Parliament of any general Act relating to road traffic so far as such Act shall be applicable to the matters referred to in those sections and subsection.

Certain
further pro-
visions of
this Act to
cease on
passing of
general Act

279. The sections of this Act of which the marginal notes are respectively—

“ Byelaws as to hackney carriages ”;

“ Power to impose test on motor drivers ”;

“ Inspection and certification of taximeters ”;

- “ Insurance by hackney carriage proprietors ”; A.D. 1930.
“ Power to grant occasional licences ”;
“ Provisions as to vehicles let for hire ”;
“ Through cars and omnibuses ”;
“ Corporation may appoint stopping and starting places ”;
“ As to byelaws &c. under this Part of this Act ”;
“ Application of tramway byelaws ”;

shall so far as they relate to motor vehicles (other than tramcars or trolley vehicles) carrying passengers for hire or reward at separate fares or motor vehicles carrying passengers for hire or reward adapted to carry eight or more persons cease to have effect on the passing during the present session of Parliament of any general Act relating to road traffic so far as such Act shall be applicable to the matters referred to in those sections.

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

281. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. In executing works for owner Corporation liable for negligence only.

A.D. 1930.

—
Power to
enter
premises.

282. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets buildings and drains) and Part VI (Infectious disease and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on
occupier
refusing
execution of
Act.

283. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part V (Streets buildings and drains) or Part VI (Infectious disease and sanitary matters) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

General
provisions
as to bye-
laws.

284. 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—

(a) byelaws made under Part IV (Trolley vehicles omnibuses and tramways) thereof; and

(b) byelaws which the Corporation may make—

(i) under section 23 of the Municipal Corporations Act 1882 as extended by the section of this Act of which the marginal note is "Byelaws as to leading or driving cattle";

(ii) under section 68 of the Town Police Clauses Act 1847 as extended by the section of this Act of which the marginal note is "Byelaws as to hackney carriages"; and

(iii) under the Town Police Clauses Act 1847 as extended by the section of this Act of which the marginal note is "Provisions as to vehicles let for hire": A.D. 1930.

Provided that in the application of the said provisions to byelaws made under the section of this Act of which the marginal note is "As to personal weighing machines" the same shall have effect with the substitution of the Board of Trade for the Minister as the confirming authority.

285. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments authority &c.

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

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

A.D. 1930.

—
Consents of
Corporation
to be in
writing.

287. All consents given by the Corporation under the provisions of this Act or of any local Act Order by-law or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Apportion-
ment of
expenses in
case of
joint
owners.

288. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages
and charges
to be
settled by
court.

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

Recovery of
demands.

290. 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.

As to
appeals.

291. Any person aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts III (Police and hackney carriages) V (Streets buildings and drains) and VI (Infectious disease and sanitary matters) 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.

292. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

A.D. 1930.
—
Several
sums in one
summons.

293. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Informa-
tions by
whom to be
laid.

294. 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.

295. 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.

Compensa-
tion how to
be deter-
mined.

296. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by
Minister of
Transport.

297. 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

Saving for
indictments
&c.

A.D. 1930. 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.

Judges not disqualified.

298. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Powers of Act cumulative.

299. 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.

Application of section 265 of Public Health Act 1875.

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

Inquiries by Minister.

301.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

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

Works below high-water mark not to be

302. The Corporation shall not under the powers of this Act construct 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 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 Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

A.D. 1930.
—
constructed
without
consent of
Board of
Trade.

303. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any 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.

Crown
rights.

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

Costs of
Act.

A.D. 1930. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and chapter.	Short title.
19 & 20 Vict. c. xc.	- The Bournemouth Improvement Act 1856.
52 & 53 Vict. c. clxi.	The Bournemouth Park Lands Act 1889.
54 & 55 Vict. c. clxxii.	The Bournemouth East Cemetery Act 1891.
55 & 56 Vict. c. clxiii.	The Bournemouth Improvement Act 1892.
60 & 61 Vict. c. xcii.	The Bournemouth Corporation Act 1897.
63 & 64 Vict. c. cclxxxvi.	The Bournemouth Corporation Act 1900.
1 Edw. 7 c. ccix.	- The Bournemouth Corporation Act 1901.
3 Edw. 7 c. clxxviii	The Bournemouth Corporation Tramways Act 1903.
4 Edw. 7 c. cliii.	- The Bournemouth Corporation Act 1904.

PART II.—CONFIRMATION ACTS AND ORDERS.

Session and chapter.	Short title.	Order relating to Bournemouth thereby confirmed.
32 & 33 Vict. c. cxxiv.	The Local Government Supplemental Act 1869.	9th April 1869.
39 & 40 Vict. c. cciii.	The Local Government Board's Provisional Orders Confirmation (Bilborough &c.) Act 1876.	22nd June 1876.
41 & 42 Vict. c. clxii.	The Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878.	4th May 1878.
47 & 48 Vict. c. ccxii.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1884.	4th June 1884.
50 & 51 Vict. c. clxxx.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1887.	28th May 1887.
53 & 54 Vict. c. clxxix.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890.	2nd June 1890.

[20 & 21 GEO. 5.] *Bournemouth* [Ch. clxxxii.]
Corporation Act, 1930.

A.D. 1930.

Session and chapter.	Short title.	Order relating to Bournemouth thereby confirmed.
55 & 56 Vict. c. ccvi.	The Pier and Harbour Order Confirmation (No. 5) Act 1892.	The Bournemouth Pier Order 1892.
59 Vict. c. x.	The Local Government Board's Provisional Orders Confirmation (No. 16) Act 1895 session 2.	The Borough of Bournemouth Order 1895.
62 & 63 Vict. c. cxxvi.	The Electric Lighting Orders Confirmation (No. 19) Act 1899.	The Bournemouth (Public Purposes) Electric Lighting Order 1899.
62 & 63 Vict. c. cxlix.	The Local Government Board's Provisional Orders Confirmation (No. 12) Act 1899.	The Borough of Bournemouth Order 1899.
63 & 64 Vict. c. ccviii.	The Tramways Orders Confirmation (No. 5) Act 1900.	The Bournemouth Corporation Tramways Order 1900.
1 Edw. 7. c. clxviii.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1901.	The Bournemouth (Extension) Order 1901.
3 Edw. 7. c. cxxxii.	The Pier and Harbour Orders Confirmation (No. 5) Act 1903.	The Boscombe and Bournemouth Piers Order 1903.
4 & 5 Geo. 5. c. cxxix.	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1914.	The Bournemouth (Extension) Order 1914.
15 & 16 Geo. 5. c. lxxxiii.	The Ministry of Health Provisional Orders Confirmation (No. 7) Act 1925.	The Bournemouth Order 1925.
17 & 18 Geo. 5. c. xxvii.	The Ministry of Health Provisional Orders Confirmation (No. 1) Act 1927.	The Bournemouth Order 1927.

A.D. 1930.

SECOND SCHEDULE.

AN AGREEMENT made the twenty-fourth day of March one thousand nine hundred and thirty between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BOURNEMOUTH (hereinafter referred to as "the Corporation") of the one part and THE HANTS AND DORSET MOTOR SERVICES LIMITED whose registered office is situate at The Royal Mews Norwich Avenue Bournemouth (hereinafter referred to as "the Company") of the other part.

WHEREAS :—

(1) The Corporation own and work certain tramways in the borough of Bournemouth (hereinafter referred to as "the borough") and also certain tramways in the borough of Christchurch and lease and work certain light railways in the borough of Poole.

(2) The Company own and run omnibuses in the borough the borough of Christchurch and the borough of Poole and to and from other places in the neighbourhood and *inter alia* are running services of omnibuses along the four following routes (hereinafter referred to as "the Company's routes") that is to say :—

- (a) Between Winton and Wallisdown;
- (b) Between Bournemouth Square and Bear Cross;
- (c) Between Bournemouth Square in the borough and the town hall in the borough of Christchurch;
- (d) Between the town hall in the borough of Christchurch and Purewell in the same borough.

(3) By an agreement dated the 3rd day of July 1928 and made between the mayor aldermen and burgesses of the borough of Poole of the first part the Corporation of the second part and the Company of the third part (hereinafter referred to as "the agreement of 1928") provision was made with respect to and for regulating the running of a service of omnibuses by the Company between the points respectively known as Poole terminus in the borough of Poole and The Square in the borough.

(4) The Corporation are promoting a Bill (hereinafter referred to as "the Bill") in the present session of Parliament to extend the boundaries of the borough by the inclusion therein of the parishes of Kinson and Holdenhurst and to authorise the Corporation to provide and run trolley vehicles and omnibuses both within and without the borough and for other purposes.

(5) The Company have deposited a petition against the Bill. A.D. 1930.

(6) The Corporation have agreed to make certain amendments in the Bill and in consideration thereof and of the parties hereto entering into this agreement it has been agreed that the Company shall withdraw their petition against the Bill and shall not further oppose the passing of the Bill into law.

Now it is hereby agreed as follows :—

1. The traffic area of the Corporation for the purposes of this agreement shall be deemed to consist of—

- (i) the borough;
- (ii) so much (if any) of the parishes of Kinson and Holdenhurst as will under the provisions of the said Bill as passed into law be added to the borough on the 1st day of April 1931;
- (iii) the route of the existing tramways of the Corporation between the boundary of the borough and Church Street in the borough of Christchurch; and
- (iv) the route from Iford in the parish of Holdenhurst along Barrack Road High Street Castle Street Bridge Street Waterloo Place and Rotten Row to Purewell in the borough of Christchurch if the Corporation obtain power to run omnibuses along such route;

and such area is hereinafter referred to as "the Corporation area."

2. (a) (i) The Company shall from time to time as hereinafter provided pay to the Corporation the fare secured by the Company in respect of every passenger who is on any one journey both taken up and set down by an omnibus of the Company at points within the Corporation area and the Corporation shall pay to the Company the cost to the Company of conveying every such passenger.

(ii) The items of expenditure by the Company to be taken into account in ascertaining such cost shall be those set out in the schedule hereto.

(b) The aforesaid payments shall be made by the Company to the Corporation and by the Corporation to the Company within one calendar month after the expiration of each period of six months from the commencement of this agreement in respect of all such passengers conveyed by the omnibuses of the Company during that period.

(c) Any question as to the number or amount of such fares or the amount of such cost shall failing agreement between the engineer and general manager of the Corporation tramways and the general manager of the Company be determined by arbitration as hereinafter provided.

A.D. 1930.

(d) The Company shall from time to time on the demand of the Corporation furnish to them all such information as the Corporation may reasonably require for the purpose of ascertaining the number and amount of such fares and the amount of such cost and for that purpose the Corporation may at all reasonable times inspect and take copies of (but shall not disclose) all accounts waybills returns and other relevant documents of the Company.

(e) For the purpose mentioned in paragraph (d) hereof the Corporation tramway inspectors may at all times board inspect and check tickets on all omnibuses of the Company plying in the Corporation area and all tickets to be issued for the Corporation area shall be provided by the Corporation and supplied to the Company without payment therefor and only tickets so provided shall be issued by the Company to passengers who are on any one journey both picked up and set down within the Corporation area.

(f) The Company shall have the right to advertise on such tickets and any amount received for such advertisements or any reduction in price of such tickets by reason of such advertisements shall be paid or credited to the Company.

3. (a) Within one calendar month after the amount of the same shall have been determined the Corporation shall pay to the Company four years' purchase of the average annual net profit made by the Company during the two years ending on 31st March 1929 from the fares paid in respect of a passenger who is on any one journey both picked up and set down by the omnibuses of the Company on any of the four routes referred to as "the Company's routes."

(b) The amount of such profit shall failing agreement be determined by arbitration as hereinafter provided.

4. The agreement of 1928 shall be read and construed as if in paragraph (a) of clause 4 thereof the words "for such number of omnibuses not exceeding twelve" had been substituted for the words "for such number of omnibuses not exceeding eight" and as so amended the agreement of 1928 shall continue in force for the period therein provided.

5. On all omnibuses run by the Company along the route of any tramway or light railway owned or leased by the Corporation other than such as are run for the purposes of the service provided for by the agreement of 1928 the fares charged by the Company whether single or return shall unless the Corporation otherwise agree be at least fifty per centum higher than the corresponding fares charged by the Corporation on such tramway or light railway Provided that if and so long as the Corporation run omnibuses along any such route the Company shall not be required to charge higher fares on their omnibuses running along such route

than the corresponding fares charged by the Corporation on such omnibuses of the Corporation. A.D. 1930.

6. Except with the consent of the Corporation the Company shall not issue or permit any other company body or person to issue any tickets entitling the holder thereof at his option to travel either on any omnibus of the Company or on any railway between any two places both of which are within the Corporation area.

7. Except with the consent of the Corporation the Company shall not issue or permit any other company body or person to issue any tickets entitling the holder thereof to travel on any omnibus of the Company over any of the Corporation's existing tramway or light railway routes (other than the route between County Gates and Poole) and on any railway Provided that this clause shall not apply where the omnibus journey covered by any such ticket extends beyond the terminus of any of such routes as aforesaid.

8. No omnibus of the Company shall stop at any place within the Corporation area for the purpose of picking up or setting down passengers other than at such places as shall be determined by agreement between the tramways committee of the Corporation and the Company or failing such agreement by the Minister of Transport If the Corporation run omnibuses over the same routes as the Company both parties shall use the same stopping place.

9. No omnibus of the Company running from and returning to the Corporation area shall turn and pick up any passenger between the Corporation area and a distance of half a mile therefrom.

10. This agreement shall commence on the date on which the Bill receives the Royal Assent and becomes an Act of Parliament and shall continue in force for a period of ten years from such date.

11. Any difference or dispute as to the meaning of this agreement or as to the rights or liabilities of either party hereunder shall be referred to an arbitrator to be agreed upon between the parties hereto or failing agreement to be appointed on the application of either party by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such reference.

12. This agreement shall be scheduled to and confirmed by the Bill and is subject to such alterations as Parliament may think fit to make therein but if any material alteration therein is made by Parliament either party by notice in writing may withdraw from the same and thereupon this agreement shall become void.

A.D. 1930.

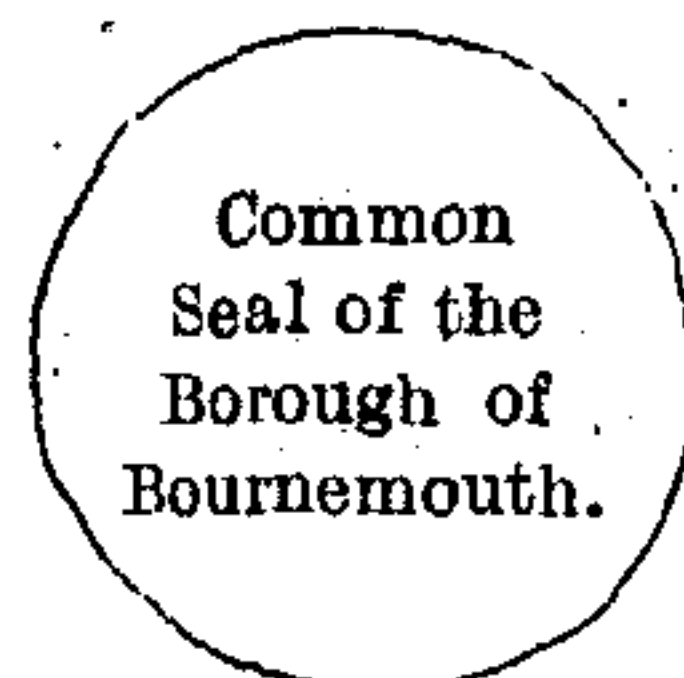
SCHEDULE.

ITEMS OF EXPENDITURE.

- Fuel.
- Tyres.
- Lubricating oils.
- Drivers.
- Conductors.
- Inspection &c. tickets and punches.
- Cleaning and greasing.
- Car lighting (includes materials and bulbs).
- Uniforms.
- Tolls and outside garage charges.
- Repairs to chassis.
- Repairs to bodies.
- Depot power light heat and water.
- Depot lorries and staff cars (running and upkeep).
- Insurances.
- Publicity.
- Postage and other communications.
- Buildings (rents rates repairs &c.).
- Local depot staffs.
- Sundry expenses.
- Licences.
- Head office staff.
- Directorial administration.
- Depreciation of rolling stock and plant.

In witness whereof the Corporation and the Company have hereunto affixed their respective corporate and common seals the day and year first before written.

The common seal of the Corporation was }
hereto affixed in the presence of— }



PERCY M. BRIGHT
Mayor.

HERBERT ASHLING
Town Clerk.

THOMAS WOLSEY }
W. W. GRAHAM } Directors.
A. E. WEBSTER Secretary.



THIRD SCHEDULE.

A.D. 1930.

PROVISIONS AS TO BOURNEMOUTH CORPORATION
BONDS.

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

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

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

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

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

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

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

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

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

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

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

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

A.D. 1930.

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

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

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

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

No.

— PER CENT. BOURNEMOUTH CORPORATION BOND.

This is to certify that
of _____ is the registered holder
of a bond for _____ pounds issued by
the Corporation of the county borough of Bournemouth
and repayable at par on the _____ day of
at the town hall Bournemouth.

Signed

Town Clerk.

Date

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

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

FORM OF DEED OF TRANSFER.

— PER CENT. BOURNEMOUTH CORPORATION BOND[S].

I
in consideration of the sum of _____
paid by _____ (hereinafter called
“ the transferee ”) do hereby assign and transfer to the
transferee :—

To hold unto the transferee his executors administra-
tors and assigns subject to the several conditions on which
I held the same immediately before the execution hereof
and I the transferee do hereby agree to accept and take
the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this _____ day of _____

[20 & 21 GEO. 5.] *Bournemouth* [Ch. clxxxi.]
Corporation Act, 1930.

A.D. 1930.

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

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Bournemouth Corporation bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes for which he was appointed and shall pay any balance remaining in his hands into the general rate fund.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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