

[20 & 21 GEO. 5.]

Leicester
Corporation Act, 1930.

[Ch. clxxxiv.]



CHAPTER clxxxiv.

An Act to empower the lord mayor aldermen and citizens of the city of Leicester to provide and work trolley vehicles to confer upon them further powers with reference to their omnibus and tramway undertakings to extend the limits for the supply of water by the Corporation and to confer upon them further powers with reference to their water undertaking to extend the time for the compulsory purchase of lands for certain purposes to make further provisions with reference to the finance of the city and for other purposes.

A.D. 1930

[1st August 1930.]

WHEREAS the city of Leicester (hereinafter referred to as "the city") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is under the management and local government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") :

And whereas the Corporation are the owners of and work a system of tramways within the city and it is expedient that they should be empowered to provide and work trolley vehicles along the routes of such tramways and (if they think fit) to abandon such tramways and that such further powers with reference to the running of trolley vehicles as are contained in this Act should be conferred upon them :

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And whereas the Corporation are empowered to provide and run omnibuses within the city in connection with their tramway undertaking and along certain routes extending beyond the city :

And whereas it is expedient that the further powers contained in this Act with reference to the provision and running of omnibuses within the city should be conferred upon the Corporation and that additional powers should be conferred upon them in connection with their omnibus and tramway undertakings as by this Act provided :

And whereas the Corporation supply water under statutory powers within limits which comprise the city and certain areas adjacent thereto and it is expedient that the said limits should be extended and that the further powers which are contained in this Act with reference to the said water undertaking should be conferred upon them :

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

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Leicester Corporation Act 1930.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Tramways trolley vehicles and omnibuses.

Part III.—Water.

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Part IV.—Finance.

Part V.—Miscellaneous.

3. In this Act unless the subject or context otherwise requires— Interpretation.

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

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

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

“Trolley vehicle” means a mechanically propelled vehicle adapted for use without rails upon roads and moved by electrical power transmitted thereto from some external source;

“The trolley vehicles” means the trolley vehicles by this Act authorised to be provided maintained and used by the Corporation;

“Trolley vehicle routes” means the routes upon which the Corporation are or may be authorised by or under the provisions of this Act to work and use trolley vehicles;

“Omnibus” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;

“The Corporation tramways” means the tramways for the time being belonging or leased to or worked by the Corporation;

“The tramway undertaking” means the tramway undertaking of the Corporation as authorised for the time being;

“The omnibus undertaking” means the omnibus undertaking authorised by the Leicester Corporation Act 1902 the Leicester Corporation Act 1913 and this Act;

“The trolley vehicle undertaking” means the trolley vehicle undertaking of the Corporation authorised by this Act;

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“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 Order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

PART II.

TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

Power to
use trolley
vehicles.

4.—(1) The Corporation may provide maintain and equip trolley vehicles and may use the same along any street or road in the city in which they are at the date of the passing of this Act authorised to work tramways and with the consent of the Minister of Transport along any other street or road in the city 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 to any depot garage building or work of the Corporation.

(2) Provided that—

(a) the Corporation shall not manufacture any part or parts of such trolley vehicles;

(b) before equipping a 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. A.D. 1930.

5.—(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 run 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 the provisions contained in Part II of the Tramways Act 1870 and in this Part 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 generate and supply electrical energy for the purpose of working the trolley vehicles : As to electrical works.

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

(2) 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 in streets or roads along which they are or may be authorised to run trolley vehicles.

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

6.—(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 or used in any such street or public road by the Corporation in connection with the trolley vehicles and to lengthen Use of posts by Postmaster-General.

A.D. 1930. — adapt alter or 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 trolley vehicle routes;
- (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;
- (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 trolley vehicles 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 Minister 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; A.D. 1930.

- (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;
- (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

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trolley vehicles 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 object to the retention of the post standard or bracket by the Postmaster-General 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 trolley vehicle 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.

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7. 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 the 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.

8.—(1) The trolley vehicles 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 that exception neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the trolley vehicles.

Trolley vehicles not to be deemed light locomotives or motor cars.

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

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

Licence duties on trolley vehicles.

10.—(1) The trolley vehicles shall be of such form construction weight and dimensions and the electrical equipment thereof shall be such 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.

Approval of trolley vehicles by 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 and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them 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

A.D. 1930. on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

Inspection
by Minister
of Trans-
port.

11. 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 Tram-
ways Act
1870 to
trolley
vehicles.

12.—(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 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:—

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 Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

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 56 (Recovery of tolls penalties &c.);

- Section 57 (Right of user only); A.D. 1930.
 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.

13.—(1) Subject to the provisions of this Act the following provisions of the Leicester Corporation Act 1902 shall extend and apply to the trolley vehicles as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):—

- Section 18 (Power to form junctions);
 Section 19 (Temporary tramway to be made where necessary);
 Section 21 (Corporation may reduce width of footway for constructing tramway);
 Section 23 (Application of road materials excavated in construction of works);
 Section 24 (Provisions as to motive power);
 Section 25 (Special provisions as to use of electrical power);
 Section 27 (Power to attach brackets &c. to buildings);
 Section 31 (Power to acquire patent rights);
 Section 32 (Alteration of telegraph lines of Postmaster-General);
 Section 39 (Traffic upon tramways);
 Section 40 (Rates for passengers);
 Section 41 (Corporation not bound to carry goods);
 Section 43 (Animals and goods);
 Section 45 (Payment of tolls);
 Section 46 (Passengers' luggage);
 Section 47 (As to fares on Sundays or holidays);
 Section 48 (Cheap fares for labouring classes);

Application to trolley vehicles of enactments relating to Corporation tramways.

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Section 49 (Periodical revision of rates and charges);

Section 50 (Byelaws);

Section 53 (Orders &c. of Board of Trade);

Section 54 (Recovery of penalties);

Section 55 (Power to enter into working agreements); and

The Third Schedule.

(2) Section 13 (For protection of Post Office telegraph lines) of the Leicester Corporation Tramways Order 1923 as amended by section 11 (For protection of Postmaster-General) of the Leicester Corporation Tramways Order 1926 shall extend and apply to the trolley vehicles.

(3) Provided that in the application of the provisions referred to in subsection (1) of this section the same shall be read and have effect as if the apparatus and equipment for working trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the Corporation tramways and as if the trolley vehicle undertaking formed part of the tramway undertaking and in construing the said provisions references to the Minister of Transport shall be substituted for references to the Board of Trade.

(4) Provided also that the trolley vehicles shall only be used for the purpose of conveying—

(a) passengers and their luggage;

(b) dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger;

(c) parcels not exceeding fifty-six pounds in weight;

(d) mails; and

(e) materials required for the purposes of the Corporation or for or in connection with the several undertakings of the Corporation;

and save as aforesaid shall not be used for the carriage of animals minerals or goods.

Minister of
Transport
may
authorise
new routes.

14.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road (as defined by the Tramways Act 1870) within the city (other than the streets and roads along and upon which they are by this Act authorised to use

trolley vehicles) they may make application to the Minister of Transport and the said Minister is hereby empowered to make a Provisional Order authorising the 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 use of trolley vehicles upon such road were authorised by this Act. A.D. 1930

(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 city;

(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 and method for 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 think 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.

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(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 petitioners 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 section 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 said Minister in connection with any inquiry under this section shall be paid by the Corporation.

As to
abandon-
ment of
tramways.

15.—(1) At any time after the passing of this Act the Corporation may abandon or discontinue temporarily or permanently any of the Corporation tramways along the route of which the Corporation have provided or adapted or are about to provide or adapt apparatus and equipment for working the trolley vehicles or have provided omnibus services under their statutory powers.

(2) In any case in which the Minister of Transport is satisfied that on the ground of the risk of injury to persons or property or of undue interference with traffic it is expedient so to do he may by order require the Corporation to abandon any of the Corporation tramways

along the route of which the Corporation have provided or adapted apparatus and equipment for working the trolley vehicles Provided that before making any such order the said Minister shall consider any representations which may be made to him by the Corporation. A.D. 1930.

(3) The Corporation may take up and remove and use or dispose of the rails of any such tramway or part of a tramway permanently abandoned or discontinued under the provisions of this section and all or any of the posts poles wires and other works and apparatus provided in connection therewith.

(4) Nothing in this section shall relieve the Corporation from 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.

(5) Where the Minister causes any inquiry to be held for the purposes of this section otherwise than in pursuance of an application within the meaning of section 3 of the Board of Trade Arbitrations &c. Act 1874 the expenses incurred by the Minister in relation to such inquiry including such reasonable sum not exceeding five guineas per day as he may determine for the services of any inspector or officer engaged in the inquiry shall be payable and recoverable under the said section 3 as if they were expenses incurred by the Minister in relation to an application.

16. As from the date upon which and so long as a service of trolley vehicles or omnibuses is provided by the Corporation in lieu of a tramway service upon the route of any of the Corporation tramways the revenue of the tramway undertaking shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which the service of trolley vehicles or omnibuses is provided under any statutory enactment relating to that undertaking.

Cesser of
charge on
tramway
revenue for
repair of
roads in
certain
events.

A.D. 1930.

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Additional
powers of
running
omnibuses.

17.—(1) Subject to the provisions of this Act the Corporation may in addition and without prejudice to the exercise of their powers under section 58 (Power to run omnibuses) of the Leicester Corporation Act 1902 and section 21 (Extension of powers as to omnibuses) of the Leicester Corporation Act 1913 provide and maintain and may run omnibuses along any routes within the city :

Provided that the Corporation shall not manufacture any part or parts of any omnibus provided under this Act.

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

(3) 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.

(4) 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.

(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) Provided that subsections (4) and (5) of this section so far as they relate to travelling in or upon the omnibuses of the Corporation and to the prevention of nuisances in or upon the same shall cease to have effect upon the coming into force of any general regulations as to the conduct of passengers in vehicles

made by the Minister of Transport under the provisions of any general Act relating to road traffic passed during this or next session in so far as such regulations apply to the omnibuses of the Corporation. A.D. 1930.
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18. 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. Conveyance of mails.

19.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses of the Corporation fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport Any application for a revision of such maximum fares or charges may be made by the Corporation. Fares and charges &c.

(2) Every passenger travelling in or upon the 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 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.

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

(4) The words “ and may demand and recover tolls and charges for the use of such omnibuses ” in section 58 of the Leicester Corporation Act 1902 and the words “ including the power to demand and recover fares and charges for the use of omnibuses ” in subsection (1) of section 21 of the Leicester Corporation Act 1913 are hereby repealed.

(5) The provisions of section 48 (Cheap fares for labouring classes) of the Leicester Corporation Act 1902 shall extend and apply to and in respect of the running of omnibuses by the Corporation along the route of any of the Corporation tramways which they shall have abandoned or discontinued under the powers of this Act.

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(6) Nothing in this section shall be deemed in any way to restrict the powers (if any) conferred on any person or body of persons having the power to issue licences under the provisions of any general Act passed during this or next session relating to road traffic to impose conditions on the granting of such licences as to the fares to be charged in respect of the omnibuses of the Corporation.

Working
and other
agreements.

20.—(1) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the city.

(2) The Corporation and any such 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 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.

(3) Nothing in this section or in any agreement entered into thereunder shall enable the Corporation to run any omnibus beyond the city but this provision shall not be construed to affect in any way the exercise by the

Corporation of any rights or powers exercisable by them under the provisions of any general Act relating to the running of omnibuses passed or to be passed. A.D. 1930.

21. The Corporation may provide any lands or depots or other buildings for the accommodation or standing of omnibuses or trolley vehicles and may enter into and carry into effect agreements with any local authority company body or person running omnibuses for the use by such local authority company body or person of any lands depots or buildings so provided. Power to Corporation to provide depots &c. for omnibuses or trolley vehicles.

22. The Corporation may appoint the stations and places from which their omnibuses or trolley vehicles 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 omnibuses or trolley vehicles shall be allowed to remain at any such place: Corporation may appoint stopping and starting places.

Provided that this section shall cease to have effect on the passing during this or next session of any general Act relating to road traffic and conferring upon local authorities power to make orders fixing stands and stopping places for vehicles so far as the omnibuses of the Corporation are vehicles to which such provisions apply.

23.—(1) The Corporation may run through tramcars omnibuses or trolley vehicles along any route within the city on which the Corporation are for the time being authorised to run tramcars omnibuses or trolley vehicles (as the case may be) or any specified portion of any such route and such tramcars omnibuses and trolley vehicles shall be distinguished from other tramcars omnibuses and trolley vehicles in such manner as may be directed by the Corporation and they may demand and take for every passenger by such tramcars omnibuses or trolley vehicles 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 tramcar omnibus or trolley vehicle. Provided that during the running of such through tramcars omnibuses or trolley vehicles the Corporation shall maintain a reasonably sufficient ordinary service of tramcars omnibuses or trolley vehicles as the case may be. Through tramcars omnibuses and trolley vehicles.

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(2) Nothing contained in this section shall exempt such omnibuses from the provisions of any general Act passed during this or next session relating to road traffic.

Power to reserve tramcars omnibuses and trolley vehicles for special purposes.

24.—(1) Notwithstanding anything contained in any Act to the contrary the Corporation may on any special occasion run and reserve cars on any of the Corporation tramways and omnibuses or trolley vehicles on any of the omnibus or trolley vehicle routes for the time being authorised or elsewhere within the city for any special purpose which the Corporation may consider necessary or desirable and the Corporation may make byelaws and regulations for prohibiting the use of any such cars omnibuses or trolley vehicles by any persons other than those for whose conveyance the same are reserved Provided that such special cars omnibuses or trolley vehicles shall be distinguished from other cars omnibuses or trolley vehicles in such manner as the Corporation may direct and that during the running of such special cars omnibuses or trolley vehicles the Corporation shall maintain a reasonably sufficient ordinary service of cars omnibuses or trolley vehicles.

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

Shelters and waiting-rooms.

25. The Corporation may erect and maintain sheds shelters or waiting-rooms for the accommodation of passengers on any of the Corporation tramways or on any of the omnibus or trolley vehicle routes for the time being authorised and may use for that purpose portions of the public streets or roads within the city due regard being given to the convenience of the general traffic along any such street or road.

Cloak-rooms &c.

26. The Corporation may within the city provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with the tramway undertaking or the omnibus undertaking or the trolley

vehicle undertaking and at suitable places on the routes of the Corporation tramways or on any of the omnibus or trolley vehicle routes for the time being authorised and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein.

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27. Any property found in any tramcar omnibus or trolley vehicle of the Corporation or in any shelter or waiting-room in connection with the tramway undertaking or the omnibus undertaking or the trolley vehicle undertaking shall forthwith be handed to the conductor of the tramcar omnibus or trolley vehicle or be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property and the proceeds thereof carried to the revenue account of the tramway undertaking.

Lost
property.

28.—(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 omnibuses or trolley vehicles of the Corporation signs or directions indicating the position of stopping places for omnibuses or trolley vehicles Provided that in any case 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 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 nor to any pole post or standard belonging to the Central Electricity Board except with their consent

A.D. 1930. — in writing nor to any pole post standard or other erection belonging to a railway company without the consent of such railway company.

Penalty for malicious damage.

29. If any person wilfully and unlawfully does or causes to be done with respect to any omnibus or trolley vehicle of the Corporation or to any apparatus used for or in connection with the working of the trolley vehicles anything which is calculated to obstruct or interfere with the working or use of such omnibuses trolley vehicles or apparatus or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and shall be liable to a penalty not exceeding twenty pounds.

Omnibus undertaking and trolley vehicle undertaking to form part of tramway undertaking.

30. Subject to the provisions of this Act the omnibus undertaking and the trolley vehicle undertaking shall be deemed to form part of the tramway undertaking. Provided that in the accounts of the Corporation relative to the tramway undertaking the receipts and expenditure upon and in connection with omnibuses and trolley vehicles 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.

Application of tramway byelaws and regulations.

31.—(1) The Corporation may by resolution declare that any byelaws or regulations for the time being in force with reference to the Corporation tramways shall with such modifications as they may deem necessary and the Minister of Transport may approve or as the said Minister may require apply to and be enforceable with respect to their omnibuses and trolley vehicles and the premises held in connection therewith and the persons travelling in or upon the same.

(2) Not less than one month before passing any such resolution as is referred to in this section the Corporation shall inform the Minister of Transport in writing of the terms in which it is proposed to pass the same and unless within one month after the submission to him of such information the said Minister shall make any requirement with reference to such modifications

as aforesaid he shall be deemed to have approved of the passing of the resolution in the terms submitted to him. A.D. 1930.
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(3) Provided that any byelaws or regulations applied by this section shall cease to apply to the omnibuses of the Corporation on the coming into force of any regulations dealing with similar matters made by the Minister of Transport under the provisions of any general Act relating to road traffic passed during this or next session of Parliament.

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

33.—(1) If and while the Corporation provide a service of tramcars omnibuses and trolley vehicles or of any of such means of transport along any existing tramway route of the Corporation or part thereof (such route or part of a route being in this section called a "protected route") and such service adequately meets the requirements of such protected route it shall not be lawful except as hereinafter in this section provided or except in pursuance of any agreement entered into by the Corporation under the provisions of the section of this Act of which the marginal note is "Working and other agreements" for any company or for any other local authority body or person to run omnibuses along such protected route or along any other route in competition with such service or services of the Corporation along the protected route. Restricting
running of
omnibuses
in com-
petition.

(2) The Corporation as licensing authority for the city may in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply for hire. Provided that if any question arises between the Corporation and any company authority body or person as to whether any route in respect of which a licence may be applied for by or granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided

A.D. 1930. — Provided further that the right of the applicant for the licence of appeal to the Minister of Transport from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the said Minister in making any order under that section shall have regard to the provisions of this section. Provided also that omnibuses belonging to the same proprietor may be transferred by him from one route to another route on which he is for the time being licensed to run omnibuses so long as he does not at one and the same time allow a greater number of his omnibuses to ply for hire on any protected route or any route in competition therewith than the number of licences which he holds for such route.

(3) 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.

(4) Nothing in this section shall be deemed—

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

(b) to entitle the Corporation to refuse the renewal of a licence to ply for hire with an omnibus along a protected route or a particular part of a protected route or a route in competition with a protected route if the licence was in force on the thirtieth day of November one thousand nine hundred and twenty-nine and was applicable to and used for a service of

omnibuses which service was on that date being operated on and has since that date been regularly in operation on any protected route (or part thereof) or any route in competition therewith or to entitle the Corporation to refuse the renewal of a licence to ply for hire with an omnibus substituted by the licensee for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last-mentioned omnibus or substituted omnibus along any protected route or part of a protected route or other route in competition therewith. Provided that no omnibus proprietor (other than the Corporation) shall be entitled to operate along any protected route or any part thereof or along any route in competition therewith during any period of the year a greater number of omnibuses than were required to operate the services which were worked along that route or part of a route by that omnibus proprietor during the corresponding period of the year preceding the said thirtieth day of November one thousand nine hundred and twenty-nine and have been regularly in operation along that route during the same period of each year; or

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

(5) Any company authority or person who shall run any omnibus along any route in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds for each day upon which he runs any such omnibus.

34. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (which companies are in this section in relation to their respective railways bridges stations and works severally referred to as "the company") shall unless otherwise

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For protection of London and North Eastern and London Midland and

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—
Scottish
Railway
Companies.

agreed in writing between the Corporation and the company apply and have effect (that is to say) :—

- (1) No brackets standards conductors mains cables wires posts poles or other electrical apparatus shall be constructed or laid under the powers of this Act in or upon any street or road belonging to the company and forming the approach to any station or goods yard of the company except with the consent in writing of the company and no such works shall be constructed or laid down so as to interfere with or render less convenient the access to or exit from any station or depot of the company nor without the like consent (which shall not be unreasonably withheld) shall any attachment or other apparatus be affixed to any bridge belonging to the company :
- (2) If and when the company shall require to reconstruct alter repair or paint any bridge under which or attached to which is any electric wire or other apparatus of the Corporation they shall give notice thereof to the Corporation (which notice except in cases of emergency shall be in writing) and 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 reasonably required by the engineer of the company unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been reasonably approved by the said engineer :
- (3) If any difference shall arise between the Corporation and the company with reference to the matters aforesaid such difference shall be referred to and determined by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

35. No shelter or waiting-room cloak-room room or shed shall be erected nor shall any stopping or starting place be appointed so as to obstruct or render less convenient the access to or exit from any station or depot of a railway company or any property of a railway company used for railway purposes except with the consent in writing of such railway company nor without the like consent shall any such shelter or waiting-room cloak-room room or shed be erected or maintained on any bridge carrying any street or road over the railway of such railway company or on the approaches to any such bridge.

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Saving for
railway
companies.

36. 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 said Minister a copy of the annual accounts of their tramway undertaking.

Accounts
to be
furnished to
Minister of
Transport.

PART III.

WATER.

37. The limits of the Corporation for the supply of water shall extend to and include the parish of Scraptoft in the rural district of Billesdon the parishes of Barkby Thorpe Queniborough and Ratcliffe-on-the-Wreake in the rural district of Barrow-upon-Soar and the parish of Markfield in the rural district of Market Bosworth all in the county of Leicester and the rights powers privileges authorities duties and liabilities of the Corporation in respect of their water undertaking shall so far as applicable apply and have effect within the said limits as extended as aforesaid.

Extension
of water
limits.

38.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes :

Power to
hold lands
and exercise
powers for
protection
of waters.

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any

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buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are for the time being empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) (a) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying or preserving the purity of the waters which the Corporation are for the time being authorised to take.

(b) Any agreements in writing entered into under this subsection shall be binding on the parties thereto and on their successors in title and may be enforced by either party or their successors (as the case may be) in any court of competent jurisdiction.

Inspection
of premises
for detection
of pollution
of water
supplies.

39. The Corporation and their officers and servants may at any reasonable hour during the daytime enter upon any land building or premises within the drainage area of any of their sources of water supply for the time being and inspect such land building or premises and any sewers drains channels or watercourses therein thereon or thereunder for ascertaining the existence of any pollution or contamination of such source of supply by any sewage drainage or other matter flowing or passing or percolating from such land building or premises or any risk of such contamination or pollution :

Provided that nothing in this section shall authorise the Corporation to enter any private dwelling-house except with the consent of the occupier thereof and that in the case of any land building or premises other than a private dwelling-house the Corporation shall before entering upon the same under the powers of this section give to the occupier thereof not less than twenty-four hours' notice in writing.

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40. In case any person who shall have been supplied with water by the Corporation shall neglect or refuse to pay the amount due in respect of such supply any justice may issue his summons to such person requiring him to appear at a time and place named therein and then and there to show cause why the sum so demanded should not be paid and if on the appearance of such person or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or of business of such person no sufficient cause can be shown to the contrary any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person together with such costs including the cost of cutting off the water if the same shall have been cut off by the Corporation as to such justice shall seem just and reasonable.

Recovery of charges for water.

41.—(1) If and so long as any direction given by a resolution of the Corporation passed under subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 as amended by subsequent Acts and (in its application to the city) by this Act is in force in the city the provisions of paragraph (a) of subsection (1) of that section shall apply to the payment collection and recovery of water rates and charges in respect of every house or part of a house which is included in the class defined by the said resolution and is supplied with water by the Corporation Provided that nothing in this section or done thereunder shall prejudice or affect the operation of section 14 (Rates payable by owners of small houses) of the Leicester Corporation Act 1921 :

Water rates to be payable by owners in certain cases.

Provided that where the owner of any dwelling-house or part of a dwelling-house to which the provisions of the

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said section 11 of the Rating and Valuation Act 1925 apply by virtue of subsection (1) of this section and which shall be in the occupation of any tenant under any lease or agreement made prior to the passing of this Act shall pay the water rate or charge in respect of such dwelling-house or part of a dwelling-house such tenant shall repay to the owner all sums which shall be so paid by him during the continuance of such lease or agreement unless it has been agreed that the owner shall pay the water rates in respect of such dwelling-house or part of a dwelling-house and every such sum payable by the tenant to the owner under the provisions hereinbefore contained may be recovered if the same be not paid upon demand as arrears of rent could be recovered from the occupier by the owner.

(2) As from the date on which the provisions of this section come into operation section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847 shall cease to apply to any dwelling-house or part of a dwelling-house within the limits for the time being for the supply of water by the Corporation.

PART IV.

FINANCE.

Expenses of execution of Act.

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

Power to borrow.

43.—(1) The Corporation may from time to time independently of and in addition to any other borrowing power borrow at interest for the payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" the sum requisite for that purpose and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge their revenues funds and rates and they shall pay off all moneys so borrowed within the period of five years from the passing of this Act (which period shall be deemed to be the prescribed period for the purposes of the enactments applied by this Act).

(2) (a) The Corporation may also from time to time borrow at interest for other purposes of this Act such money as they may require for those purposes with the consent (as respects the purposes of Part II of this Act) of the Minister of Transport and (as respects any other purpose of this Act) of the Minister of Health. A.D. 1930.

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

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

44. The provisions of the following sections of the Leicester Corporation Act 1902 (that is to say):—

Section 85 (Provision as to mortgages);
Section 87 (Saving for power to sell lands &c.);
and
Section 107 (Protection of lender from inquiry);

shall extend and apply to and in respect of the moneys to be borrowed under the provisions of this Act:

Incorporation of certain provisions of Leicester Corporation Act 1902.

Provided that such of the provisions of any enactment incorporated or applied by this section as would be inconsistent with the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" shall upon the coming into operation of the last mentioned section cease to apply to or in respect of such borrowed moneys.

45.—(1) Notwithstanding anything contained in any previous enactment all money received in any year by the Corporation on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived including the income arising from interest on balances in hand or from the investment of any reserve or renewals fund shall be carried to and form part of the revenue for that year of the general rate fund and all payments and expenses incurred in respect of any such undertaking in the same year shall be paid out of that fund:

Application of revenue and payment of expenses of undertakings.

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Provided that nothing contained in this section shall be deemed to authorise the Corporation to apply or dispose of so much of the general rate fund as is equal to the net surplus revenue and the annual proceeds of the reserve fund (when amounting to the prescribed limit) of their electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 Provided also that any reserve fund formed under section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated by section 40 (2) of the Leicester Corporation Act 1913 shall in any year in which interest from any investments of that fund is carried to and forms part of the general rate fund pursuant to this section be increased by the payment to the said reserve fund out of the general rate fund of a sum equal to the amount of such interest if and so far as the amount of the said reserve fund for the time being is less than the prescribed maximum.

(2) (a) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings (other than the electricity undertaking) referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of that undertaking or in the provision of funds for working capital for that undertaking.

(b) The Corporation may also (if they think fit) apply money received by them on account of the revenue of the tramway undertaking in payment of any charges or expenses for the time being payable out of the general rate fund or the general rate or otherwise in such manner as they think best for the public benefit of the inhabitants of the city and for the improvement of the city or for any of those purposes as to the Corporation shall seem meet.

(3) Any income arising from any renewals depreciation contingent reserve superannuation or insurance or other similar fund (each of which funds is in this subsection referred to as a "special fund") shall be from time to time paid into the general rate fund and in any year in which income arising from any special fund is paid into the general rate fund pursuant to this subsection there shall be paid into that special fund out of the general rate fund (in addition to any contributions payable

by the Corporation to that special fund) a sum equal to the amount of the income so paid into the general rate fund if and so far as the amount of that special fund for the time being is less than the prescribed maximum (if any).

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

Accounts.

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

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

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those

A.D. 1930. — 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.

47.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each or any of the undertakings (other than the electricity undertaking) referred to in the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings" (each of which is in this section separately referred to as "the undertaking") by setting aside out of the general rate fund such an amount as they may from time to time think reasonable and investing the same in statutory securities until the fund so formed amounts to the maximum sum for the time being prescribed by the Corporation not exceeding in the case of the gas undertaking the sum of four hundred thousand pounds.

(2) Any reserve fund which has been formed for the purposes of any of the undertakings of the Corporation (other than the electricity undertaking) and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works thereof or otherwise for the benefit of that undertaking or for providing any new works plant or buildings for the purposes of that undertaking or for defraying any expenditure attendant upon or occasioned by any sudden accident to any works connected with that undertaking and so that if the 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. For the purposes of the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings" any payments made out of the reserve funds established under this section or out of any reserve fund established

under the Electric Lighting (Clauses) Act 1899 as amended by the Electricity (Supply) Act 1926 shall be deemed to have been made out of the general rate fund. A.D. 1930.
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(4) Resort may be had to a reserve fund formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

48. The sections of this Act of which the marginal notes are respectively "Application of revenue and payment of expenses of undertakings" "Accounts" and "Reserve funds" shall come into operation as on and from the first day of April one thousand nine hundred and thirty and as from the said date section 37 (Application of water revenue) of the Leicester Corporation Gas and Water Transfer Act 1878 section 38 (Balance of gas and water revenues may be applied towards payment off of principal moneys &c.) of the Leicester Corporation Act 1884 section 164 (Creation and application of special water fund) of the Derwent Valley Water Act 1899 section 108 (Application of revenue) of the Leicester Corporation Act 1902 and section 8 (Application of gas revenue) of the Leicester Corporation Act 1921 shall be deemed to have been repealed. Date of
operation of
certain
sections and
repeal.

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

50.—(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 one thousand nine 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— Consolidated
loans fund.

(a) all moneys borrowed by the Corporation by the issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

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- (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; and
- (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 there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (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 the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall 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 investment thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Corporation may notwithstanding any requirement contained in this or any other Act as to investment in statutory securities pay into the consolidated

loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) 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 average rate of interest payable by the Corporation on their current borrowings.

(5) 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 another without any priority whatsoever.

(6) 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.

(7) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

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

51.—(1) The proviso to subsection (1) of section 25 (Creation of Corporation stock) of the Leicester Corporation Act 1884 (in this section referred to as "the Act of 1884") is hereby repealed.

As to
Corporation
stock.

(2) Notwithstanding anything contained in the Act of 1884 the Corporation may exercise any statutory

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borrowing power by the creation and issue of a further new class or further new classes of redeemable stock at such prices and bearing such dividends as the Corporation may determine by the resolution creating such stocks.

(3) Each class of stock created under subsection (2) of this section shall bear a distinguishing name or number to be given by the resolution creating it and shall be created on and subject to such terms and conditions as that all stock in the class shall bear one and the same rate of dividend and shall become redeemable as hereinafter provided at the expiration of the same period from the first creation of the stock.

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

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

(6) Unless and until the Corporation establish a consolidated loans fund under the powers of the section of this Act of which the marginal note is "Consolidated loans fund" a separate loans fund to bear the name given to it by the resolution creating each class of stock shall be established and formed in respect of each class which may be created and issued by the Corporation by virtue of this section and all the provisions of the Act of 1884 as altered by subsequent Acts or Orders in regard to the Leicester Corporation loans fund shall *mutatis mutandis* apply to the loans fund so to be established and formed.

Return to
Minister of
Health with
respect to
repayment
of debt.

52.—(1) The provisions of section 34 (Returns to Minister of Health with respect to repayment of debt) of the Leicester Corporation Act, 1925 shall extend and apply to the transmission of returns showing the provision

made for the repayment of any loans raised or to be raised by the Corporation under any statutory borrowing power.

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(2) Any provision (other than the foregoing provisions of this section and the provisions of the said section 34 of the Leicester Corporation Act 1925) of any enactment now in force in the city requiring an annual return to be made to the Minister of Health with regard to the repayment of debt is hereby repealed.

53. For the purposes of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 (as amended by subsequent Acts) in its application to the city the Corporation may (if they think fit) by any resolution passed by them pursuant to subsection (1) of that section give the direction referred to in that subsection in such manner as to exclude from the operation of the resolution any hereditaments other than dwelling-houses.

Modification
of section 11
of Rating
and Valua-
tion Act
1925.

54. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on all sums of money due to the Corporation for the supply of gas electricity or water from any person who pays the same within such time from the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges :

Discounts
for prompt
payment
of gas
electricity
and water
charges.

Provided that—

- (a) the Corporation shall make allowance at the same rate to all consumers in similar circumstances; and
- (b) no such allowance as aforesaid in respect of money due for the supply of water shall be made where the person from whom such money is due is entitled to an allowance by virtue of the provisions of the section of this Act of which the marginal note is "Water rates to be payable by owners in certain cases."

55. 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

Lands
fund.

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acquiring or taking on lease and holding any lands or 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 development or improvement of the city (other than the purposes of the tramway undertaking the water undertaking the electricity undertaking and the gas undertaking) and such fund shall be formed by annually appropriating thereto out of the general rate fund and the general rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of two pence in the pound calculated in manner provided by rules from time to time made by the Minister of Health under the Rating and Valuation Act 1925 and investing in statutory securities any moneys forming part of the lands fund but not for the time being required for the purposes thereof Provided that when the lands fund shall amount to the sum of fifty thousand pounds the Corporation shall discontinue such annual payments and any interest thereafter received on any such investments as aforesaid shall be carried to the credit of the general rate fund and form part of that fund but if the lands fund is at any time reduced below the said sum of fifty thousand pounds the Corporation may recommence and continue the annual payment and accumulation of interest until the lands fund be restored to the sum of fifty thousand pounds.

Insurance
fund.

56.—(1) The Corporation may if they think fit establish a fund to be called “the insurance fund” with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (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 scavenging vehicles motor cars and motor transport and horse-drawn or other vehicles of the Corporation and generally in the carrying out by the Corporation of their duties as a local authority;

• A.D. 1930.

- (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 accident or injury occurring to any person employed by the Corporation or paid by or through them as the local education authority or to any child or person attending the schools in the city or any child or person resident in the city attending a school outside the city;
- (vi) Risks of loss due to infidelity of officials of the Corporation;
- (vii) 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

(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 three hundred thousand pounds the Corporation may if they

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

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the 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 be invested in statutory securities and the interest and annual proceeds arising from those securities shall be carried to and form part of the general rate fund :

Provided that at the end of each financial year in which any such interest or annual proceeds shall have been carried to the general rate fund the Corporation shall pay out of the general rate fund to the credit of the insurance fund (in addition to any other sums paid or payable by the Corporation under the provisions of this section) such sum (not exceeding the total amount carried to the general rate fund during that year in respect of such interest and annual proceeds) as in the opinion of the Corporation will be sufficient to maintain the insurance fund at an amount reasonably necessary to cover the risks insured thereby :

Provided also that—

(a) if the sum so paid to the credit of the insurance fund in respect of any year is less than the total amount of the interest and annual proceeds carried to the general rate fund as aforesaid in that year a sum equal to the difference shall be apportioned in the

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accounts of the Corporation between the several undertakings or departments liable to contribute to the insurance fund in such shares or proportions as may be equitable;

- (b) if no sum is so paid to the credit of the insurance fund in respect of any year the interest and annual proceeds carried to the general rate fund as aforesaid in that year shall be apportioned in the accounts of the Corporation between the said several undertakings or departments in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient and by arrangement with the managers of any public elementary school or the governing body of any college secondary school institute or hostel not provided by the Corporation as the local education authority include in the risks insured under paragraph (iv) of subsection (1) of this section risks of accident to any teacher employed in any such school college institute or hostel.

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

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(9) The money standing to the credit of any insurance fund of the Corporation existing at the date of the establishment of the insurance fund shall be credited to the insurance fund and any securities representing the whole or part of any such existing fund shall be deemed to be securities forming part of the insurance fund.

(10) As from the date of the establishment of the insurance fund section 57 (Power to create accident fund) and section 58 (Fire insurance fund) of the Leicester Corporation Act 1908 and section 39 (Increase of amount of accident fund) and section 40 (Power to create accident fund in connection with various undertakings) of the Leicester Corporation Act 1921 shall be and are hereby repealed.

PART V.

MISCELLANEOUS.

Extension
of time for
compulsory
purchase of
lands.

57. The time limited by the Leicester Corporation Act 1925 for the compulsory purchase of lands for the purposes of that Act is hereby extended until the first day of October one thousand nine hundred and thirty-three.

Further
powers for
acquisition
of land.

58.—(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 that the Corporation should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city and with the consent of the Minister of Health 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 said Minister.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected in the proper account in the books of the Corporation.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health 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—

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(a) in or towards the extinguishment of any loan raised by them under the powers of this section 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 said Minister; or

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

59. The Corporation may purchase or acquire any article of food condemned as unfit for human consumption offal bones fat blood and other waste matters or things and any other matter or thing necessary or convenient for working up treating or converting the same and may at any abattoir slaughter-house or waste utilisation plant for the time being belonging to the Corporation work up treat and convert the same and manufacture other products therefrom and may use or sell the products arising in or from or produced by such working up treating conversion or manufacture.

Power to Corporation to purchase and work up offal and waste matters and sell products.

60. 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 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.

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

Inquiries by Minister of Health.

A.D. 1930. shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

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

Judges not disqualified.

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

Application of section 265 of Public Health Act 1875.

63. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with all necessary modifications extend and apply to the purposes of this Act as if that section were in terms enacted in this Act.

Recovery of penalties &c.

64. Save as otherwise expressly provided all offences against this Act or any byelaw made in pursuance thereof and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any such byelaw 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.

Damages and charges to be settled by court.

65. 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.

66. 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 court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

[20 & 21 GEO. 5.]

Leicester
Corporation Act, 1930.

[Ch. clxxxiv.]

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

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—
Saving for
indictments
&c.

68. 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 shall be entitled to such other rights and remedies as if this Act had not been passed.

Powers
of Act
cumulative.

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

Costs of Act.

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