



CHAPTER liv.

An Act to authorise the corporation of Liverpool to construct street works a new tramway a storage reservoir and other works to confer further powers upon them with respect to their waterworks undertaking and for other purposes. A.D. 1930.
[15th April 1930.]

WHEREAS the city of Liverpool is a municipal borough under the management and local government of the lord mayor aldermen and citizens of the city acting by the council (in this Act respectively referred to as "the Corporation" and "the city"):

And whereas it is expedient that the Corporation should be authorised to construct certain street works within the city (including tunnels and approaches in substitution for certain works authorised by the Liverpool Corporation Act 1927) and that they should be empowered to acquire lands for those and other purposes as by this Act provided:

And whereas it is expedient that the Corporation should be empowered to construct the tramway within the city in this Act described:

And whereas it is expedient that the Corporation should be empowered to construct the open storage reservoir by this Act authorised for the purpose of increasing their reservoir storage capacity at Prescott and

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930. — that further powers should be conferred upon the Corporation in connection with their waterworks undertaking:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

For the purchase of lands and for the construction of the tunnels and street works by this Act authorised - - - - -	£ 1,694,236
For the construction and equipment of the tramway by this Act authorised - - - - -	31,730
For the construction of the storage reservoir by this Act authorised and works in connection therewith	250,000

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

And whereas it is expedient that the other powers contained in this Act should be conferred:

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

And whereas the objects of this Act cannot be attained 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 (that is to say):— A.D. 1930.

PART I.

PRELIMINARY.

1. This Act may be cited as the Liverpool Corporation (Works) Act 1930. Short title.
2. This Act is divided into Parts as follows:— Division of Act into Parts.
 - Part I.—Preliminary.
 - Part II.—Tunnels and street works.
 - Part III.—Tramway.
 - Part IV.—Water.
 - Part V.—Lands.
 - Part VI.—Finance &c.
3. The following Acts and parts of Acts so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):— Incorporation of Acts.
 - (1) The Lands Clauses Acts with the following exception and modification:—
 - (a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;
 - (b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:
 - (2) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 Provided that the said section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place and run carriages upon such tramways and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section:

A.D. 1930.

- (3) The Waterworks Clauses Act 1847 as incorporated with the Act of 1921 and the Waterworks Clauses Act 1863:
- (4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in construing those provisions "the railway" means the storage reservoir by this Act authorised "the centre of the railway" means the boundaries of that reservoir and "the company" means the Corporation.

Interpreta-
tion.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have in relation to the relative subject matter the same respective meanings And in this Act—

"The city" means the city of Liverpool;

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

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the city;

"The Minister" means the Minister of Health;

"The Act of 1921" means the Liverpool Corporation Act 1921;

"The Act of 1927" means the Liverpool Corporation Act 1927;

"The tunnels" means the tunnels by this Act authorised;

"The Lands Clauses Acts" means those Acts and the Acquisition of Land (Assessment of Compensation) Act 1919;

"The arbitrator" means the arbitrator to whom any question of disputed compensation is referred under the provisions of this Act;

"The tramways undertaking" means the tramways undertaking of the Corporation as from time to time authorised;

“The tramway” means the tramway by this Act authorised; A.D. 1930.

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

“The water limits” means the limits within which the Corporation are from time to time authorised to supply water; and

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

PART II.

TUNNELS AND STREET WORKS.

5. Subject to the provisions of this Act the Corporation may make and maintain in the city in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works comprising with the new street No. 1 authorised by the Act of 1927 a new arterial road (that is to say):—

Power to construct tunnels and approaches.

A tunnel and approaches No. 1 (Prince Edwin Street to Utting Avenue) commencing in Prince Edwin Street at its junction with Kermode Street and terminating in Utting Avenue at a point 3·3 chains south-west of its junction with Priory Road;

A tunnel and approaches No. 2 (Prince Edwin Street to Utting Avenue) commencing in Prince Edwin Street at its junction with Kermode Street and terminating in Utting Avenue at a point 3·3 chains south-west of its junction with Priory Road;

together with all such approaches tunnels lifts stairs subways passages means of ingress or egress shafts ventilating shafts stagings buildings apparatus plant machinery and subsidiary and incidental works and conveniences as may be necessary or convenient:

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930.

Provided that any electrical apparatus shall be so made maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to
construct
new street
and street
widening.

6. Subject to the provisions of this Act the Corporation may make and maintain in the city in accordance with the deposited plans and sections and upon the lands delineated upon those plans and described in the deposited book of reference the following works (namely):—

A new street commencing in Kingsley Road at a point 34 yards south of its junction with Jermyn Street and terminating in Handel Street at the west end thereof;

A widening of the approach road from Cambridge Street to the Carnegie Infant Welfare Centre between the entrance gate to the said centre and a point 5 yards south of the east corner of the Liverpool Maternity Hospital;

together with all such subsidiary and incidental works and conveniences as may be necessary or convenient.

Period for
completion
of tunnels.

7. If the tunnels are not completed within the period expiring on the first day of October one thousand nine hundred and forty then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed.

Laying out
repair and
lighting of
tunnel and
approaches
No. 1.

8.—(1) The Corporation may lay out the tunnel and approaches No. 1 or any part thereof for carriageways and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriageways and footways and may from time to time execute all such works and do all such acts in under or upon any of the said carriageways and footways as they may from time to time think proper for preserving repairing lighting ventilating or improving the same and may for that purpose enter upon and break open the soil rock and pavement of such carriageways and footways and any sewers drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways footways sewers drains

or tunnels as nearly as practicable to the same condition as they were in before such breaking and opening. A.D. 1930.

(2) The Corporation may also at any time (if they think it expedient so to do) close the tunnel and approaches No. 1 wholly or in part for the purpose of repairing or cleansing the same or any part thereof and for the purpose of sewerage levelling paving flagging or channelling such carriageways and footways or any part thereof or of the approaches thereto.

(3) The tunnel and approaches No. 1 and the carriageways and footways thereof when completed and opened for public traffic shall be public highways but the soil or rock thereunder shall remain vested in the Corporation for such estate or interest as shall have been acquired by them therein and the said works shall subject to the provisions of this Act be maintained repaired and lighted by the Corporation.

9. The tunnel and approaches No. 2 shall be used only for tramway traffic and such other traffic (if any) as the Corporation may from time to time determine and the Corporation may at any time if they think it expedient so to do close the said tunnel and approaches wholly or in part for the purposes of repairing and cleansing the same or any part thereof and the Corporation may from time to time execute all such works and do all such acts in under or upon any part of the said tunnel and approaches as they may from time to time think proper for preserving repairing lighting ventilating or improving the same.

Provisions
as to tunnel
and
approaches
No. 2.

10. The Corporation shall in constructing the tunnel and approaches No. 1 provide for the telegraphic lines of the Postmaster-General such reasonable accommodation as shall be sufficient for six lead-covered cables each with an external diameter not exceeding three inches. The accommodation shall be provided and constructed in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General. Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

Reservation
of accom-
modation
for Post
Office tele-
graphs in
tunnel and
approaches
No. 1.

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930.

—
Application
of certain
provisions
of Act of
1927.

11. The provisions contained in the sections of the Act of 1927 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if the said provisions were re-enacted in this Part of this Act (that is to say):—

Section 75 (Power to break up and alter streets and tramways);

Section 76 (Power to deviate in respect of new streets and tunnels &c.);

Section 78 (Power temporarily to stop up or interfere with streets);

Section 79 (Vesting of soil of streets stopped up);

Section 80 (Underpinning of houses near works);

Section 81 (Power to pump water and use sewers for removing water);

Section 82 (Alteration of position of water gas and other pipes);

Section 83 (Power to alter steps areas &c. and execute protective works);

Section 86 (No mains or pipes to be laid in tunnels);

Section 88 (Power to sell materials);

Section 101 (Compensation for damage by user of tunnels); and

Section 102 (Byelaws in regard to tunnels).

For protec-
tion of
Liverpool
Gas Com-
pany.

12. Notwithstanding anything in this Act the following provisions for the protection of the Liverpool Gas Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company have effect:—

- (1) The provisions of section 48 (For protection of Liverpool Gas Company) of the Mersey Tunnel Act 1925 shall extend and apply to any works constructed by the Corporation under the powers of Part II of this Act as if that section were re-enacted in this Act with the substitution of "the Corporation" for "the Corporations" and the insertion of the words "Part II of" before the words "this Act" wherever they occur in that section:

- (2) Notwithstanding the stopping up temporarily of any public street or place under any of the powers of this Act it shall be lawful for the Company during such stopping up to exercise the same rights of access as they now enjoy to all or any of their apparatus situate in or under any such street or place: A.D. 1930.
- (3) In this section "apparatus" has the same meaning as in section 48 of the Mersey Tunnel Act 1925.

PART III.

TRAMWAY.

13. Subject to the provisions of this Act the Corporation may make form lay down renew work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramway within the city hereinafter described with all proper rails plates works sidings and conveniences connected therewith or necessary for the purposes thereof and may take up remove and alter the position of any existing tramway of the Corporation and the rails and other works connected therewith which may be necessary for the purpose of laying down the tramway Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. Power to construct tramway.

The tramway authorised by this Act is—

A tramway (Prince Edwin Street to Utting Avenue) (double line 1 mile 2 furlongs 2·8 chains in length) commencing in Prince Edwin Street by a junction with Tramway No. 1 authorised by the Act of 1927 at the junction of that street and Kermode Street continuing in a north-easterly direction along and through tunnel and approaches No. 2 and terminating in Utting Avenue by a junction with the existing tramway at a point 1·3 chains south-west of the junction of that avenue and Priory Road.

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930.

Tramway to
form part of
tramways
under-
taking.

14. Subject to the provisions of this Act the tramway shall for all purposes form part of "the tramways" and "the tramways undertaking" within the meaning of the Act of 1921 and the provisions of that Act (as amended by the Act of 1927) shall so far as applicable apply to and in respect of the tramway as if it had been described in the First Schedule to the Act of 1921.

Special
track not
to form part
of highway.

15. Where any part of the tramway is to be constructed on a special track separate from the carriageway such special track shall not for any purpose form part of the highway and the provisions of the Tramways Act 1870 relating to roads and the following provisions of the Act of 1921 shall not apply thereto or to the construction of the tramway thereon (namely):—

Section 130 (Penalty for not maintaining rails and roads in good condition);
and

Section 131 (Tramways to be kept on level of surface of road):

Provided that nothing in this section contained shall prejudice or affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1926 and under section 141 (Use of tramway posts by Postmaster-General) of the Act of 1921 and the special track (except where the same is situate in tunnel) shall be deemed to be a "street" for the purposes of the said Acts and section respectively.

Power to
deviate in
respect of
tramway.

16. In laying down the tramway the Corporation may subject to the provisions of this Act deviate laterally to any extent from the line or situation thereof within the limits of deviation defined on the deposited plans Provided that no part of the tramway shall be constructed so that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of a street or road and the nearest rail of the tramway.

Inspection
by Minister
of Trans-
port.

17. No part of the tramway shall be open for public traffic until it has been inspected and certified to be fit for such traffic by an officer appointed by the Minister of Transport.

Period for
completion
of tramway.

18. The tramway shall be completed within the period expiring on the first day of October one thousand nine hundred and forty and on the expiration of that

period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

A.D. 1930.

PART IV.

WATER.

19. Subject to the provisions of this Act the Corporation may in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain in the parishes of Eccleston and Knowsley in the rural district of Whiston in the county of Lancaster an open storage reservoir to be situate on the north-west and west side of and adjoining the existing No. 3 storage reservoir of the Corporation near Prescott together with all such buildings machinery works and apparatus as may be necessary or convenient in connection therewith or subsidiary thereto.

Power to construct storage reservoir.

20. In the construction of the storage reservoir by this Act authorised the Corporation may deviate laterally to any extent not exceeding the lateral deviations shown on the deposited plans and may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

Power to deviate in respect of storage reservoir.

21.—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any of the waterworks of the Corporation they may cause the water in any such works to be discharged into any available stream ditch or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter or matter injurious to fish or spawn or spawning beds.

Discharge of water into streams.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930.

(3) The powers of this section shall not be exercised so as to damage or injuriously to affect the railways or works of any railway company.

Price of supply by measure.

22. The price to be charged by the Corporation for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons.

Charges for water used with refrigerating apparatus &c.

23. Where a person who takes a supply of water from the Corporation for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

(a) be taken by measure on the conditions and at the rates for the time being in force for the supply of water by measure; or

(b) be paid for on such other terms as may be agreed between the person and the Corporation.

Recovery of water rents &c. from persons removing.

24. If a justice is satisfied on complaint by any collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises within the city or within the boroughs of Bootle or Chorley to which the Corporation supply water and has failed to pay on demand any water rent levied by the Corporation or any water rate levied by them in the borough of Chorley which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector or other officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

As to streets and roads forming boundary of water limits.

25. Where the water limits are bounded by or abut upon any street or road outside such limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the water

limits and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening or breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the water limits. Provided that nothing in this section shall entitle or require the Corporation to supply water to the owner or occupier of any premises abutting upon any such street or road as aforesaid and being outside the water limits.

A.D. 1930.

26. Notwithstanding anything contained in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Corporation to connect communication pipes with mains.

27. When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the water engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Main-tenance of common pipe.

28. If the owner of any house supplied with water by the Corporation when so required in pursuance of section 117 (Corporation not bound to supply several houses by one pipe) of the Act of 1921 fail within a

As to provision of separate pipe.

A.D. 1930. — period of three months after the receipt of such requirement to provide a separate pipe from the main into such house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

Power to
remove
meters and
fittings.

29. The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the water engineer or some other officer of the Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

As to
register of
meter.

30.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Corporation. Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as rates for water are recoverable by the Corporation.

31. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Corporation duly authorised by them may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds :

A.D. 1930.

—
Extension
of power to
inspect
premises.

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

PART V.

LANDS.

32. Subject to the provisions of this Act the Corporation may for the purposes of this Act or for the purposes of recoupment reinstatement or exchange or for rehousing persons displaced under the provisions of this Act enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and in addition to the said lands may enter upon take and use for the purpose of the erection of public buildings the following lands in the city delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

Power to
acquire
lands.

The premises known as Nos. 25 36 and 37 Old Haymarket and Nos. 138 148 152 154 158A and 160 Dale Street

and the provisions of section 230 (Powers as to lands for public buildings) of the Act of 1921 shall apply to and in respect of the said lands.

33. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or

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

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930. — some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. therefore the following provisions shall have effect:—

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

material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the arbitrator shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :

- (5) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930.

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

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

Owners may be required to grant easements only.

34. With respect to the properties shown on the deposited plans which are described or referred to in the Second Schedule to this Act notwithstanding anything contained in this Act or shown on the said plans the Corporation shall not enter upon or take the same or any part of the surface thereof otherwise than by agreement but the Corporation may purchase and take and the owners of and other persons interested in any such property shall sell an easement or right of using the subsoil and under-surface of such property for the purposes of this Act and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of user as fully as if the same were lands within the meaning of those Acts except that no such easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

Period for compulsory purchase of lands.

35. The powers granted by this Act for the compulsory purchase of lands for the purposes of Part II (Tunnels and street works) of this Act shall cease on the first day of October one thousand nine hundred and thirty-five and for the other purposes of this Act shall cease on the first day of October one thousand nine hundred and thirty-three.

Application of further provisions of Act of 1927.

36. The provisions contained in the sections of the Act of 1927 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if the said provisions were re-enacted in this Act (that is to say):—

Section 92 (As to private rights of way over lands taken compulsorily);

[20 GEO. 5.] *Liverpool Corporation (Works) Act, 1930.* [Ch. liv.]

- Section 96 (Errors in plans and book of reference); A.D. 1930.
- Section 97 (Power to enter upon property for survey and valuation);
- Section 98 (Persons under disability may grant easements &c.);
- Section 99 (Agreements with owners of property); and
- Section 100 (Power to develop lands &c.).

37. In settling any question of disputed purchase money or compensation for lands acquired by the Corporation under this Act the arbitrator shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-nine if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands but nothing in this section shall apply to any improvement or alteration in any premises so far as made for the purpose of putting the same into a sanitary condition.

Compensation in case of recently altered buildings.

38. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any of the works by this Act authorised or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

39. Notwithstanding anything contained in section 3 of the Disused Burial Grounds Act 1884 it shall be lawful to erect buildings upon the site of the disused

Power to build on land in Oldham Street.

[Ch. liv.] *Liverpool Corporation (Works) Act, 1930.* [20 GEO. 5.]

A.D. 1930. — graveyard on both sides of the buildings which have been erected on the site of the Scotch Kirk in Oldham Street.

PART VI.

FINANCE &C.

Power to borrow and repayment of borrowed moneys.

40.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the third column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

1	2	3
Purpose.	Amount.	Period for repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite £	Five years from the passing of this Act.
(2) For the purchase of lands for and for the construction of the tunnels and approaches by this Act authorised.	1,689,736	Eighty years from the date or dates of borrowing.
(3) For the purchase of other lands by this Act authorised to be acquired and for the construction of the works (other than the tunnels and approaches) authorised by Part II (Tunnels and street works) of this Act.	4,500	Sixty years from the date or dates of borrowing.
(4) For the construction and equipment of the tramway.	31,730	Twenty-five years from the date or dates of borrowing.
(5) For the construction of the storage reservoir by this Act authorised and works in connection therewith.	250,000	Sixty years from the date or dates of borrowing.
	9	

(2) The borrowing powers conferred by the Act of 1927 for the purposes of the purchase of lands for and for the construction of the tunnels and approaches and new street No. 2 and for the construction and equipment of Tramways Nos. 2 to 4 by that Act authorised are hereby repealed except so far as they have already been exercised for the purpose of the tunnel and approaches No. 1 by that Act authorised namely to the extent of two thousand seven hundred and thirty-three pounds. A.D. 1930.

(3) The Corporation may also with the sanction of the Minister borrow such further moneys as may be necessary for any of the purposes of this Act (other than Part III (Tramway)) and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as the Minister may prescribe and all moneys so borrowed shall be chargeable on the revenues of the Corporation.

41. 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. Expenses of execution of Act.

42. The provisions contained in the sections of the Act of 1921 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say):— Incorporation of provisions of Act of 1921.

- Section 644 (Recovery of penalties &c.);
- Section 645 (Recovery of demands in county court);
- Section 646 (Damages and charges to be settled by court);
- Section 647 (Compensation how to be determined);
- Section 648 (Informations by whom to be laid);
- Section 649 (Saving for indictments); and
- Section 651 (Powers of Act cumulative).

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

[Ch. liv.] *Liverpool Corporation (Works)* [20 GEO. 5.]
Act, 1930.

A.D. 1930.

—
Costs of
Act.

44. The costs charges and expenses preliminary to and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

A.D. 1930.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN COMPULSORILY.

No. on deposited plans.	Description of property in book of reference.
1359	House garden cellar yard and premises.
1360	House garden cellar yard and premises.
1361	House garden cellar yard and premises.
1362	House garden cellar yard and premises.
1363	House garden cellar yard and premises.
1364	House garden cellar yard and premises.
1366	Garages workshops and premises.
1368	House garden cellar yard and premises.
1374	Garage workshop and premises.
1375	House yard and premises.
1377	House yard and premises.

THE SECOND SCHEDULE.

NUMBERS ON DEPOSITED PLANS OF PROPERTIES UNDER WHICH EASEMENTS ONLY MAY BE TAKEN COMPULSORILY.

104 to 970 (inclusive) 993 to 996 (inclusive) 999 to 1193 (inclusive) 1196 to 1202 (inclusive) and 1237 to 1249 (inclusive).

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

