



CHAPTER cvi.

An Act to empower the corporation of Scarborough A.D. 1931.
to construct street improvements and waterworks
and to confer further powers upon them in
regard to their water and electricity under-
takings to make further provision for the im-
provement and good government of the borough
and in regard to road transport therein to confer
further powers upon the Scarborough Harbour
Commissioners and to make further provision in
regard to the harbour undertaking and for
other purposes. [31st July 1931.]

WHEREAS the borough of Scarborough in the north
riding of the county of York is subject to the
Acts relating to municipal corporations and the mayor
aldermen and burgesses of the borough (hereinafter
called "the Corporation") acting by the council are
the urban district council for the district of the borough :

And whereas it is expedient to empower the
Corporation to execute the street works authorised by
this Act and to acquire lands for and in connection with
the execution of such street works :

And whereas the Corporation are the owners of the
waterworks by which the borough and certain places
in the neighbourhood thereof are supplied with water
and it is expedient to empower the Corporation to

A.D. 1931. acquire lands for and to construct the further water-works described in this Act and to confer further powers upon the Corporation in relation to the supply of water by them :

And whereas by the Scarborough Electricity Special Order 1927 the Corporation were empowered to supply electricity throughout the borough the urban districts of Scalby and Filey and the rural district of Scarborough and it is expedient to confer further powers upon the Corporation with reference to their electricity undertaking :

And whereas the Scarborough Tramways Company were incorporated by the Scarborough Tramways Act 1902 and by that Act were empowered to make and maintain tramways and to execute street works in the borough and by the same Act powers were conferred upon the Corporation with reference to the purchase by the Corporation of the undertaking of the said company :

And whereas it is expedient to confer upon the Corporation the powers in relation to road transport matters which are contained in this Act as from the date upon which they shall purchase the undertaking of the Scarborough Tramways Company :

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

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the borrowing and repayment of money by them and to authorise the Corporation to lend money to the Scarborough Hospital :

And whereas it is expedient that further and better provision should be made with respect to the improvement management regulation and good government of the borough :

And whereas the Scarborough Harbour Commissioners were constituted by the Scarborough Harbour Act 1843 as amended by the Scarborough Harbour Act 1876 and the Scarborough Corporation Act 1900 and various powers were by those Acts and by the

Scarborough Harbour Order 1918 vested in them for the maintenance and improvement of the harbour of Scarborough : A.D. 1931.
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And whereas it is expedient to make further provision in regard to the election of harbour commissioners and to confer further powers upon those commissioners :

And whereas the Corporation are empowered by the Scarborough Corporation Act 1900 the Scarborough Harbour Order 1918 and the Scarborough Corporation Act 1925 to lend money to the said harbour commissioners and to guarantee loans raised by them and it is expedient to empower the Corporation to purchase by agreement the undertaking of the said harbour commissioners or any part thereof :

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

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

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

	£
The purchase of lands - - - -	2,950
The construction of the street works authorised by this Act - - - -	430
The construction of the waterworks authorised by this Act - - - -	34,600

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and 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 county council of

A.D. 1931. — the administrative county of the north riding of the county of York and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Scarborough Corporation Act 1931.

Division of Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Street works.
- Part IV.—Waterworks.
- Part V.—Supply of water.
- Part VI.—Electricity.
- Part VII.—Road transport.
- Part VIII.—Town planning.
- Part IX.—Harbour commissioners.
- Part X.—Financial.
- Part XI.—Miscellaneous.

Incorporation of Acts.

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

(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 sufficient without the addition of the sureties mentioned in that section:

(2) The Waterworks Clauses Act 1847 except—

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

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

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

(3) The Waterworks Clauses Act 1863 :

(4) The provisions of the Railways Clauses Con-
solidation Act 1845 with respect to the tem-
porary occupation of lands near the railway
during the construction thereof and in such
provisions for the purposes of this Act “ the
railway ” means the waterworks authorised
by Part IV of this Act and “ the centre of
the railway ” means in the case of any of
the reservoirs authorised by this Act the
boundaries of such reservoir and in the case
of the other waterworks the centre of such
waterworks respectively.

4.—(1) In this Act the several words and expres-
sions to which meanings are assigned by the Acts Inter-
pretation.
wholly or partially incorporated herewith or by the
Public Health Acts 1875 to 1925 have the same
respective meanings unless there be something in the
subject or context repugnant to such construction.

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

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

“ The borough ” means the borough of Scar-
borough;

“ The council ” means the council of the borough;

“ The town clerk ” means the town clerk of the
borough and includes any person duly author-
ised to discharge temporarily the duties of
that office;

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- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;
- “ The county council ” means the county council of the administrative county of the north riding of the county of York ;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “ The water undertaking ” means the water undertaking of the Corporation for the time being authorised ;
- “ The water limits ” means the limits for the time being of the Corporation for the supply of water ;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation for the time being authorised ;
- “ The electricity limits ” means the limits for the time being of the Corporation for the supply of electricity ;
- “ Public service vehicle ” has the meaning assigned to it by the Road Traffic Act 1930 ;
- “ The commissioners ” means the Scarborough Harbour Commissioners ;
- “ Daily penalty ” means a penalty for every day on which an offence is continued by a person after conviction ;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878 ;
- “ The Minister ” means the Minister of Health ;
- “ The Act of 1843 ” “ the Act of 1878 ” “ the Act of 1889 ” “ the Act of 1900 ” “ the Order of 1918 ” and “ the Act of 1925 ” mean respectively the Scarborough Harbour Act 1843 the Scarborough Corporation Water Act 1878 the Scarborough Improvement Act 1889 the Scarborough Corporation Act 1900 the Scarborough Harbour Order 1918 and the Scarborough Corporation Act 1925 ;

“Revenues of the Corporation” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1925. A.D. 1931.
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PART II.

LANDS.

5. Subject to the provisions of this Act the Corporation may (in so far as they are not already possessed of the same) enter on take and use such of the lands in the borough and in the parishes of Seamer and West Ayton which are delineated on the deposited plans and described in the deposited book of reference as they may require for the following purposes:— Power to take lands.

(a) For and in connection with the construction of the street works authorised by Part III (Street works) of this Act and for other the purposes of the said Part III of this Act;

(b) For and in connection with the construction of the waterworks authorised by Part IV (Waterworks) of this Act and for other the purposes of the water undertaking.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of Part III (Street works) of this Act shall cease after the expiration of five years and the powers of the Corporation for the compulsory purchase of lands for the purposes of Part IV (Waterworks) of this Act shall cease after the expiration of three years respectively from the thirty-first day of October one thousand nine hundred and thirty-one. Period for compulsory purchase of lands.

7. Notwithstanding anything contained in this Act or shown upon the deposited plans the following provisions shall apply and have effect unless otherwise agreed in writing between the Corporation and the Scarborough and Whitby Breweries Limited or other the owner or owners for the time being of the property numbered on the deposited plans 27 in the borough (in this section referred to as “the said property”) all of whom are in this section referred to respectively as “the company” (that is to say):— As to property of Scarborough and Whitby Breweries Limited.

(1) The Corporation shall not under the provisions of this Act acquire compulsorily the property

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described in the book of reference as pavement light and cellar hatch which is included in the said property :

- (2) The company shall not open or keep open the said cellar hatch except at or during such times as may be reasonably necessary for the purposes of the business of the company and when closed nothing shall be placed on such cellar hatch so as to obstruct the passage of the public thereover :
- (3) The said cellar hatch and pavement light shall be maintained so as not to be raised above the level of the surface of the ground immediately adjacent thereto respectively and no alteration shall be made to such pavement light or cellar hatch without the consent of the Corporation but such consent shall not be unreasonably withheld :
- (4) Nothing in this section shall prejudice or affect the agreement which is sealed by the company and dated the eighth day of April nineteen hundred and twenty-nine and which was registered as an equitable easement on the eighteenth day of September nineteen hundred and twenty-nine :
- (5) Any question arising between the Corporation and the company under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed on the application of the Corporation or the company 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.

Acquisition
of ease-
ments.

8.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks authorised by Part IV (Waterworks) of this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing

using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts. A.D. 1931.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they shall have given notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

9. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice to the occupier enter upon and into the lands and buildings by this Act authorised to be taken or any of them for the purposes of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to
enter upon
property
for survey
and
valuation.

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Reservation
of water
rights &c.
on sale.

10. The Corporation on selling any lands acquired by them in connection with the water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

PART III.

STREET WORKS.

Power to
make works.

11. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and on the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown upon the deposited sections the street works in the borough hereinafter described (namely) :—

Street Work No. 1 A widening and improvement of North Marine Road on the south-westerly side thereof commencing at Victoria Park Avenue and terminating at Woodall Avenue;

Street Work No. 2 A widening and improvement of North Marine Road on the south-westerly side thereof commencing at Clark Street and terminating at Hope Street;

Street Work No. 3 A further widening and improvement of North Marine Road on the south-westerly side thereof and Castle Road on the north-westerly side thereof commencing at William Street and terminating at the south-western corner of the premises known as 82A Castle Road;

together with all requisite and convenient walls steps ways approaches footpaths drains culverts fences works and conveniences connected with the said intended works respectively all which said works will be situate in the borough.

PART IV.

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WATERWORKS.

12.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described (that is to say) :—

Power to
make water-
works.

In the parish of Seamer—

Waterwork No. 1 An aqueduct or line or lines of pipes commencing at the junction of Seamer Moor Lane and the road from Malton to Scarborough and proceeding along Seamer Moor Lane to and terminating at the Weydale pumping station of the Corporation (Waterwork No. 2 hereinafter referred to);

Waterwork No. 2 An enlargement of the Weydale pumping station of the Corporation;

Waterwork No. 3 An aqueduct or line or lines of pipes commencing at the said Weydale pumping station and terminating at or near to the tumulus known as Baron Albert's Tower or Seamer Beacon in Waterwork No. 4 hereinafter described;

Waterwork No. 4 A service reservoir (in one or more divisions) at or near to the said Baron Albert's Tower or Seamer Beacon;

Waterwork No. 5 An enlargement of or addition to the existing water tank or reservoir of the Corporation at or near to the pavilion to the Scarborough racecourse :

In the parish of Seamer and the borough—

Waterwork No. 6 An aqueduct or line or lines of pipes commencing at or in Waterwork No. 5 hereinbefore referred to and terminating in the road known as Stepney Hill in the borough.

(2) The Corporation may upon lands acquired by them for the purposes of or in connection with the

A.D. 1931. water undertaking whether under the provisions of this or any other Act make and maintain all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or the existing or authorised waterworks of the Corporation or for inspecting maintaining repairing cleansing managing working or using the same :

Provided that—

(a) nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them ;

(b) any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General.

Limits of deviation for waterworks.

13. In the construction of the waterworks authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent Provided that no embankment for or structure of a reservoir shall be constructed at any greater height above the general surface of the ground than that shown upon the deposited sections and ten feet in addition thereto and that except for the purpose of crossing over a stream no part of any aqueduct or line of pipes shall be raised above the surface of the ground unless and except so far as is shown upon the deposited sections.

Period for completion of works.

14. If the waterworks authorised by this Part of this Act and delineated on the deposited plans and sections are not completed within a period of ten years from the passing of this Act or such further period not exceeding five years as the Minister may by order prescribe then on the expiration of that period or such further period as aforesaid the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed :

Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts or lines of pipes authorised by this Part of this Act lay down additional lines of pipes as and when occasion may require.

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15. For the protection of the county council the following provisions unless otherwise agreed in writing between the Corporation and the county council shall apply and have effect in relation to the exercise by the Corporation of the powers of this Part of this Act (that is to say) :—

For pro-
tection of
North
Riding
County
Council.

- (1) In this section the term "county road" shall have the meaning given to that term by the Local Government Act 1929 but shall not include any county road within the meaning so given in respect of which the Corporation shall at any time have made a claim in pursuance of section 32 of the said Act :
- (2) All pipes or works to be laid in any county road shall be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor reasonably direct :
- (3) In relation to any county road section 30 of the Waterworks Clauses Act 1847 as incorporated with this Act shall (except for the laying connecting or repairing of consumers' service pipes and except in cases of leakage bursting or other emergency) have effect as if the word "seven" were substituted for the word "three" in that section :
- (4) The Corporation shall not permit any trench made by them in any county road where there is not room for two carts to pass one another to be opened simultaneously for a greater consecutive distance than may be reasonably specified by the surveyor to the county council :
- (5) If the Corporation shall in the execution or repair of any of the works of the Corporation make any trench or excavation in the roadway or footpath of any county road then the Corporation shall fill in and properly ram to the reasonable satisfaction of the county

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surveyor such trench or excavation and after they have done so the county council shall reinstate and make good the surface of the roadway or footpath and for the work so carried out by the county council the Corporation shall pay to them the reasonable expenses thereof which expenses shall be agreed upon between the Corporation and the county council or failing agreement settled by arbitration as hereinafter provided :

- (6) (a) Nothing in this Part of this Act shall interfere with the right of the county council to alter the level of or deviate or improve in any manner they think fit any county road in or under which any mains or pipes of the Corporation are carried but the county council shall take all reasonable precautions to prevent injury to such mains or pipes ;

(b) In the event of any county road in or under which any such mains or pipes are laid being altered deviated or improved as aforesaid in such manner as to render an alteration in the position of any such mains or pipes reasonably necessary or desirable the Corporation shall with all convenient speed on receiving twenty-one days' notice (or shorter in case of emergency) in writing from the county council so to do alter the position of such mains or pipes in such manner and to such extent as such notice may reasonably prescribe and to the reasonable satisfaction of the county surveyor ;

(c) The county council shall afford all reasonable facilities to the Corporation for such alterations and also (during the alteration deviation or improvement of such county road) for temporarily carrying or supporting such mains or pipes along the road so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes and the Corporation may carry such mains or pipes accordingly ;

(d) The expenses reasonably incurred by the Corporation in altering pursuant to a notice given by the county council the position of any

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mains or pipes of the Corporation in any county road shall be borne by the county council and repaid by them to the Corporation :

- (7) If the Corporation after notice from the county council under the hand of their surveyor shall neglect to do or complete any work or act required by subsection (6) of this section to be done by the Corporation then and in any such case the county council may do such work or act themselves causing as little damage or inconvenience to the Corporation as the circumstances may admit and the Corporation shall repay to the county council all expenses reasonably incurred by the county council in connection with any such work or act :
- (8) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes or works of the Corporation shall not be placed on the metalled portion of any county road without the written consent of the county surveyor or subject to such conditions and directions as he may require or give :
- (9) All surplus paving metalling or materials removed during the laying of the mains pipes or works on any county road not required by the Corporation or the county council for the purpose of reinstating and making good the said road may be used by the county council for the maintenance and repair of any county or other road and may be removed by the county council for that purpose :
- (10) If any difference shall at any time arise between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them 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 arbitration as aforesaid.

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Application
of Water-
works
Clauses
Act 1847.

16. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of the water undertaking :

Provided that any telephone or telegraph posts wires conductors or apparatus constructed laid down erected or maintained under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any 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
hold lands
and exercise
powers for
protection
of waters.

17.—(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 the water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the 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 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.

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(3) 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 and preserving the purity of the waters which the Corporation are for the time being authorised to take.

18.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

Meters in streets to measure water or detect waste.

Provided that—

- (a) the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 ;
- (b) nothing in this section shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board except in accordance with the provisions of section 15 of the Electric Lighting Act 1882 ; and

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(c) the Corporation shall not without the previous consent of the London and North Eastern Railway Company exercise the powers of this section in respect of any street road footway or property belonging to such company but such consent shall not be unreasonably withheld and any question as to whether such consent is in any case unreasonably withheld shall be determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other.

(2) Section 71 (Detection of waste) of the Act of 1889 is hereby repealed.

Power to
lay pipes
in private
streets.

19. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act :

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depot of the London and North Eastern Railway Company without the consent of that company nor shall any work be constructed under this section so as unreasonably to interfere with or render less convenient the access to or exit from any such station or depot.

PART V.

SUPPLY OF WATER.

Amendment
of section 35
of Water-
works
Clauses
Act 1847.

20. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one tenth part of the expense of providing and laying down pipes mentioned in that section were one eighth part of such expense.

21.—(1) A local authority any part of whose district is within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such local authority and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply of water within any part of such district which is within the water limits.

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Guarantees
by local
authorities.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such local authority they may incur expenditure and any such local authority may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

(3) Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate but the provisions of this subsection shall not affect the operation of section 56 of the Local Government Act 1929.

22. Nothing in section 69 (Rate payable by owner for small houses &c.) of the Act of 1889 shall limit or affect the operation of section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847.

As to rates
payable by
owners of
small
houses.

23.—(1) Where water supplied for domestic purposes is used for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hosepipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this

Charges for
hosepipes
and
refrigerating
apparatus.

A.D. 1931. subsection shall be in addition to the rates for the time being authorised by or under this Act for the supply of water for domestic purposes and shall be paid and recoverable in all respects with and in the same manner as the said rates.

(2) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(3) Where a person who takes a supply of water from the Corporation for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

- (i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or
- (ii) be paid for on such other terms as may be agreed between such person and the Corporation :

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

Special
terms for
supplies to
caravans &c.

24.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital

expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Corporation shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the local authority for the district in which the structure is situated objects to the supply being given.

25. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any person duly authorised by him in writing may at all reasonable times between the hours of seven o'clock and nine o'clock in the morning and also 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 engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds 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 also be liable to a penalty under this section.

Extension
of power to
inspect
premises.

A.D. 1931.

Mainten-
ance of
common
pipe.

26. When several houses or parts of houses 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 parts of houses 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 waterworks engineer of the Corporation.

Separate
communi-
cation
pipes may
be required.

27.—(1) The Corporation shall not be bound to supply more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water :

Provided that this section shall not apply in the case of a communication pipe which at the passing of this Act is used for the supply of water to more than one house or part of a house unless and until such communication pipe becomes defective or requires renewal in which event the Corporation may require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement formerly supplied with water by means of that communication pipe.

(2) If the owner of any house or part of a house occupied as a separate tenement and supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from the owner.

As to com-
munication
pipes.

28.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject

to the conditions of sections 48 to 52 of the Waterworks
Clauses Act 1847 in relation to the laying of communica-
tion pipes. A.D. 1931.

(2) The Corporation may, by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

29. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rates in respect of the premises are recoverable Provided that (except in emergency) the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter :

Power to
Corporation
to repair
communica-
tion pipes.

Provided also that the Corporation shall not without the previous consent of the London and North Eastern Railway Company (which consent shall not be unreasonably withheld) exercise the powers of this section in respect of any street which is the property of such railway company and any question as to whether such consent is in any case unreasonably withheld

A.D. 1931. shall be determined by a single arbitrator to be appointed failing agreement by the Minister.

Corporation
to connect
communica-
tion pipes
with mains.

30. Notwithstanding anything 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 or service 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 or service 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.

Injuring
meters &c.

31.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such

works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable. A.D. 1931.
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(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

32.—(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 is charged and sought to be recovered by the Corporation. As to register of meters.

(2) 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 upon 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.

(3) If any meter or other instrument for measuring water used by a consumer of water be 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 in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Corporation.

33. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered Notice to Corporation of connecting or dis-

A.D. 1931.
—
connecting
meters.

he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Fittings not
to be subject
to distress
&c.

34.—(1) Any fittings let for hire under the provisions of section 36 (Power for Corporation to supply pipes &c.) of the Act of 1878 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(2) Subject to the proviso to subsection (1) of this section all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) Provided as follows :—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of money so borrowed);

(b) When a demand note delivered by the Corporation to a consumer includes a sum

charged by the Corporation in respect of providing such fittings or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note; A.D. 1931.

- (c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

35.—(1) The power of making regulations conferred by section 42 (Regulations for preventing waste &c. of water) of the Act of 1878 shall extend to enable the Corporation to make regulations as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping and requiring any person employed in or about the erection alteration or repair of any pipes or fittings to be used for the conveyance reception storage or delivery of water supplied by the Corporation to give notice thereof to the Corporation as soon as practicable (specifying also the premises affected by such work). Extension
of powers
for pre-
venting
waste &c. of
water.

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

36. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Penalty for
interfering
with valves
&c.

A.D. 1931. — Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for closing valves and apparatus.

37. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

Contracts for supplying water in bulk outside water limits.

38. The Corporation may enter into and carry into effect agreements with any local authority company body or person for the supply of water beyond the water limits to such authority company body or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that—

- (1) Such supply shall not be given except with the consent of any local authority company body or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water within the water limits;
- (2) Nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

Purchase of water in bulk.

39. The Corporation may enter into and carry into effect agreements with any local authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the Corporation for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Corporation for the purposes of the water undertaking.

PART VI.

A.D. 1931.

ELECTRICITY.

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

Agreements
for supply of
electricity.

41. The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly without the electricity limits in the same manner as if such premises were wholly within such limits.

Supply to
premises
partly
without
electricity
limits.

42. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the Scarborough Electricity Special Order 1927 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient :

Power to
construct
electrical
sub-stations
under
streets.

Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary

A.D. 1931. jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

Provided also that the Corporation shall not construct any such sub-station transforming station or work in any county road in the north riding of the county of York outside the borough without the consent of the county council but such consent shall not be unreasonably withheld and any question as to whether in any case such consent is unreasonably withheld shall be determined by the Minister of Transport :

Provided further that no sub-station transforming station or other work shall be constructed under the provisions of this section so as to interfere with or render less convenient the access to or exit from any station or depot of the London and North Eastern Railway Company or upon or under any bridge of such company or the approaches thereto except with the consent in writing of such company but such consent shall not be unreasonably withheld and any question as to whether such consent is in any case unreasonably withheld shall be determined by the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport.

Power to lay electric mains in private streets.

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

and to any works constructed or executed by the Corporation under the provisions of this section : A.D. 1931.

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

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

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

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 of the Electric Lighting Act 1882 the said section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

A.D. 1931.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by the London and North Eastern Railway Company for the purposes of their railway and forming part of any station or goods depot.

As to
maximum
power which
may be
demanded,

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

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

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

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

Use for
lighting
purposes of
electricity
supplied
for power.

47.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any

process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose. A.D. 1931.
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(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

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

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

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

49.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity Period of
error in
defective
meters.

A.D. 1931. 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.

(2) The amount of the allowance to be paid 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 in the case of a surcharge be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Power to
recover
cost of
cutting off
supplies.

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

Charges for
special
readings of
electricity
meters.

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

Provisions
as to supply
of electricity
by agree-
ment.

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

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

(b) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they

may for the time being be charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

A.D. 1931.

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

(i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

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

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

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

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

A.D. 1931.

Byelaws as
to wires
apparatus
and fittings.

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

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

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

Service of
electricity
demand
notes.

54. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Receipts
and
expenses.

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

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

PART VII.

ROAD TRANSPORT.

As to
operation
of this Part
of Act.

56. The provisions of this Part of this Act shall not come into operation until the Corporation shall have purchased the undertaking of the Scarborough

Tramways Company either under the provisions of section 43 of the Tramways Act 1870 as amended by the Scarborough Tramways Act 1902 or under the provisions of section 44 of the Tramways Act 1870. A.D. 1931.

57.—(1) (a) If at any time the Corporation desire to use mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source (in this section called “trolley vehicles”) upon any road as defined by the Tramways Act 1870 within the borough they may make application to the Minister of Transport and the Minister of Transport may make a Provisional Order authorising the use of trolley vehicles upon any such road or roads to which such application relates and the taking of fares rates and charges by the Corporation for the carriage of passengers and parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers upon such trolley vehicles and imposing such conditions and restrictions with respect to such use and containing such incidental provisions (including provisions for empowering the Corporation to enter into working agreements) as the said Minister may deem expedient:

Minister of Transport may authorise the use of trolley vehicles.

Provided that such trolley vehicles shall only be used for the purpose of conveying—

- (i) passengers and their luggage;
- (ii) dogs in the care of passengers;
- (iii) parcels not exceeding fifty-six pounds in weight;
- (iv) materials for the construction and repair of roads of or by the Corporation;
- (v) materials required for the purposes of the Corporation or for or in connection with the several undertakings of the Corporation;
- (vi) mails;

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

(b) Any order made by the Minister of Transport under this section in relation to a road along which any tramways belonging to the Corporation are for the time being situate may make provision for and in relation to

A.D. 1931. the temporary or permanent abandonment or discontinuance of such tramways.

(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 month of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough and have published once in one or other of the same months the like notice in the London Gazette;

(b) have posted for fourteen consecutive days in the month of October or November in conspicuous positions in each of the several streets or 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 of bringing before the Minister of Transport any objections to the grant of such application.

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

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

(5) In any case where it shall appear to the Minister of Transport expedient or proper 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 section shall not have any operation. A.D. 1931.
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(6) Any Provisional Order made by the Minister of Transport under the provisions of this section may apply to trolley vehicles and to the Corporation in respect of the use and working of such trolley vehicles any of the provisions of the enactments relating to the tramways to be acquired by the Corporation or may apply those provisions to the trolley vehicles with such modifications as the Minister of Transport may determine.

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

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

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

58.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run public service vehicles within the borough along the routes of any existing tramways and shall be deemed to be a local authority authorised to run public service vehicles within the meaning and for the purposes of Part V of the Road Traffic Act 1930. Power to run public service vehicles.

(2) Every public service vehicle moved by electrical power shall be so equipped and worked as to prevent

A.D. 1931. — any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

(3) 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 public service vehicles of the Corporation as if they were carriages used on tramways.

As to liability for repair of roads.

59. As from the date upon which and so long as a service of public service vehicles is provided by the Corporation in lieu of a tramway service under the provisions of this Act the revenue of the tramway undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of public service vehicles is provided under any statutory enactment relating to that undertaking but nothing in this section shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

As to abandonment of tramways.

60.—(1) The tramways of the Corporation on the route of any public service vehicles of the Corporation may (and if so required by the Minister of Transport shall) be abandoned or discontinued either temporarily or permanently. Provided that no such tramway shall be so abandoned or discontinued by the Corporation under the provisions of this section until they shall have provided or arranged for the provision of public service vehicles on the route of such tramway or on the portion thereof so proposed to be abandoned or discontinued or along such other route (in lieu of the route of such tramway or portion thereof as aforesaid) as shall be certified by the Minister of Transport to be a route in substitution for the tramway route proposed to be abandoned or discontinued.

(2) The Corporation may (and if so required by the Minister of Transport shall) take up and remove and use or dispose of the rails of any such tramway or part of a tramway and may if they think fit but not otherwise take up and remove and use or dispose of the posts poles wires and other works and apparatus provided in connection therewith.

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(3) Whenever the Corporation have in pursuance of the foregoing provisions of this section abandoned or discontinued the whole or any part of any tramway which is situate upon any county road within the meaning of the Local Government Act 1929 (including any road in respect of which the Corporation shall at any time have made a claim in pursuance of section 32 of that Act) they may and (if the county council reasonably require them so to do) shall with all reasonable dispatch take up and remove the rails and paving setts of the tramway or part thereof so abandoned or discontinued but nothing contained in this subsection shall require the Corporation to take up and remove such rails and paving setts during the months of July August and September in any year.

(4) On the taking up and removal of the rails and paving setts in any such county road the rails shall be the absolute property of the Corporation who may sell or dispose of them as they may think fit and the Corporation shall with all convenient speed fill in the ground and make good the surface and to the reasonable satisfaction of the county council restore the portion of the road upon which such rails and paving setts were laid or placed and the expense incurred by them in so doing shall (subject as hereinafter provided) be included in the cost of the maintenance and repair of the road which is required to be paid to the Corporation by the county council in pursuance of the provisions of section 33 of the Local Government Act 1929 Provided that so much of such expense as is equivalent to a sum calculated on the basis of five shillings and sixpence in respect of each superficial yard of the portion of the road so to be restored shall be borne by the Corporation which sum shall be taken to represent the cost of the restoration in respect of which the Corporation are liable under section 28 of the Tramways Act 1870 and under the Scarborough Tramways Act 1902 and the county council shall not be liable to repay the same to the Corporation under the foregoing provisions of this section.

(5) The obligations and liabilities of the Corporation under the Tramways Act 1870 or the Scarborough Tramways Act 1902 in relation to the maintenance keeping in good condition and repair of the respective

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portions of the roads in which the tramways are laid shall notwithstanding anything in this Act to the contrary cease as soon as the Corporation shall have complied with the foregoing provisions of this section in respect of those portions respectively.

(6) If any difference arises under this section between the Corporation and the county council the same shall be settled by an engineer to be appointed by agreement or failing agreement by the President of the Institution of Civil Engineers at the request of either party in dispute after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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

(8) The provisions of section 30 of the Tramways Act 1870 with respect to mains or pipes for the supply of gas shall apply and extend to any works carried out by the Corporation in connection with the taking up or removal of tramways or of posts poles wires and other works and apparatus in connection therewith or the filling in and making good of the surface of the ground or the restoration of carriageways or footpaths disturbed by such taking up or removal under the powers of this section and to the mains or pipes of the Scarborough Gas Company as if such provisions as so extended were herein repeated (*mutatis mutandis*) and as if the Corporation were the promoters referred to in the said section.

(9) All works carried out by the Corporation under the powers of this section which affect the property of the London and North Eastern Railway Company shall be so carried out under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the engineer of the said railway company.

(10) The powers conferred by this section upon the Corporation shall be in addition to and not in derogation of any other powers of abandoning or

discontinuing tramways which are or may be exercisable by them.

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(11) As from the date upon which the Corporation abandon and discontinue the whole or any part of any tramway in pursuance of the foregoing provisions of this section they shall cease to be under any obligation to use the same or to run carriages or tramcars thereon.

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

Power to
reserve
vehicles for
special
purposes.

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

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

62. The Corporation may within the borough provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with their public service vehicles undertaking and at suitable places on the routes of their public service vehicles and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein Provided always that the Corporation shall not provide any such cloakrooms rooms or sheds so as to interfere with or render less convenient the

Cloak-
rooms &c.

A.D. 1931. — access to or exit from any station or depot belonging to the London and North Eastern Railway Company.

Public service vehicles to form part of tramway undertaking.

63. Subject to the provisions of this Act the public service vehicles undertaking authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with public service vehicles 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. Provided also that when all the tramways of the Corporation shall have been permanently abandoned or discontinued the tramway undertaking of the Corporation shall be called the road transport undertaking of the Corporation.

Accounts to be furnished to Minister of Transport.

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

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

65. 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.

Saving for Part IV of Road Traffic Act 1930.

66. Nothing in this Part of this Act shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

PART VIII.

TOWN PLANNING.

Power to make town planning schemes with reference to developed lands.

67. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the borough notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as "the general

Act”) shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

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68. For the prevention of doubt be it enacted that paragraph (*d*) of subsection (2) of section 5 of the general Act (which relates to the suspension of statutory enactments) shall not apply to the provisions contained in this Part of this Act.

Explanation
of section 5
of general
Act.

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

Purposes for
which land
may be pur-
chased.

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

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

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

As to pro-
perties of
which parts
only are re-
quired for
town
planning
schemes.

A.D. 1931. — the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

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

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

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

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

of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

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

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

Restriction
on rights of
purchase in
certain
cases.

(2) The Corporation shall not under this Part of this Act be entitled to purchase compulsorily any land which at the date of the order authorising the compulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house without the consent of the owner of such land but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be referred to and determined by the arbitrator to whom any question of disputed compensation would be referred under the said order.

72.—(1) No provisions in any town planning scheme made under this Part of this Act which prescribe the space about buildings or limit the number of buildings to be erected or prescribe the height or character of buildings within the meaning of subsection (2) of section 11 of the general Act shall operate so as—

Limitation
on require-
ments under
scheme.

(a) to require the demolition removal or alteration of any building existing at the date of the notice convening the meeting of the council

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—

at which the draft scheme is proposed to be adopted or of which the erection was commenced before that date; or

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

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

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

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

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

73.—(1) The Corporation shall give notice of the passing of a resolution by the council adopting a draft scheme under this Part of this Act or under the general Act to every person named in so much of the valuation list as relates to the lands included in the scheme as the owner or occupier of such lands and notwithstanding anything contained in any regulations made by the Minister under the general Act or any Act repealed thereby it shall not be incumbent on the Corporation to serve a copy of any notices required by the said regulations on any other person except on any person who shall have registered his name and address as hereinafter mentioned and except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company.

(2) Any person being or claiming to be an owner of land within any area to which a town planning scheme proposed to be made under this Part of this Act or by the Corporation under the general Act relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of the notice required by subsection (1) of this section.

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

(4) The production of the newspaper containing the notice required to be advertised in pursuance of this section and of copies of the notices required to be served in pursuance of subsections (1) and (2) of this section together with a certificate of the town clerk that the notices have been served in accordance with this section shall be sufficient evidence that the provisions of this section have been complied with.

74. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of

A.D. 1931.
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Registration of ownership and service of notices.

Definition of "owner" for certain purposes.

A.D. 1931. ownership and service of notices" the word "owner" has the same meaning as in the Lands Clauses Acts.

Modifica-
tions of
section 10 of
general Act. **75.**—(1) For the purposes of subsection (2) of section 10 of the general Act the date of the notice convening the meeting of the council at which a draft town planning scheme under this Part of this Act is proposed to be adopted shall be substituted for the several dates referred to in that subsection.

(2) Where a scheme made pursuant to this Part of this Act contains a provision whereby restrictions are placed upon the erection of buildings or the making of erections nearer to a street than a line prescribed by the scheme compensation shall not be payable in respect of property alleged to be injuriously affected by reason of such provision unless and until a building is erected or an erection is made in conformity therewith or unless the owner can show that the effect of such provision is to make it impracticable for him to erect a building in conformity therewith.

Compulsory
purchase
and
injuriously
affected
of lands.

76. If the owner of any property which is acquired compulsorily for the purposes of or in connection with or is injuriously affected by a town planning scheme made under this Part of this Act is entitled to claim compensation in respect of such acquisition or injurious affection any mortgagee lessee under-lessee or occupier of such property shall be entitled to claim compensation in respect of such acquisition or in respect of any injurious affection to his interest in the property or in any trade or business carried on by him thereon under the provisions relating to the compulsory acquisition of land contained in the general Act.

PART IX.

HARBOUR COMMISSIONERS.

Retention
and disposal
of lands &c. **77.**—(1) The words from and including "and such offices" down to "the said commissioners shall think proper" in section IV of the Act of 1843 are hereby repealed.

(2) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the commissioners may

retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands tenements hereditaments piers jetties wharves docks offices edifices buildings breakwaters sluices lights buoys anchors materials implements works appurtenances funds goods chattels and effects vested in or acquired by them under any general or local Act for the time being relating to the commissioners or their undertaking (all of which is in this section referred to as "property of the commissioners") and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such property of the commissioners and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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(3) So long as any loan or part of such loan advanced by the Corporation to the commissioners under section 24 of the Order of 1918 is owing by the commissioners to the Corporation or so long as the Corporation are guaranteeing under the provisions of section 76 of the Act of 1925 the repayment of and the payment of interest on money borrowed by the commissioners the commissioners shall apply any moneys received by them (a) on the sale or exchange or (b) on the lease of any property of the commissioners as to (a) in the repayment of such loan or money as aforesaid or as to (b) in the payment of interest thereon and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan or borrowing of money which may be provided by any Act Order or other sanction or agreement under which the same may have been lent or raised except to such extent and upon such terms as may be agreed by the commissioners and the Corporation and approved by the Minister of Transport:

Provided that in the case of the leasing of any property of the commissioners under the provisions

A.D. 1931. — of this section the rent or other moneys payable under such lease shall be paid into the general fund of the commissioners and shall only be applied as aforesaid after the expenses of the undertaking of the commissioners which are properly chargeable to revenue for and in respect of the maintenance management and repair of the undertaking for the year in which the same are paid to the commissioners have been met :

Provided further that the commissioners shall apply any moneys received by them on the sale and exchange or lease of any property of the commissioners under this section which are not applied by them in manner aforesaid in such manner as the commissioners shall with the consent of the Minister of Transport think fit for the benefit of the undertaking of the commissioners or the borough.

(4) Nothing contained in this section shall extend or be construed to extend to the taking away from the Corporation of any estates rights privileges and jurisdictions to which they are entitled at the date of this Act except so far as the same are expressly altered or affected by the provisions of this section and except as is by this section expressly provided nothing contained therein shall alter affect abridge or lessen any of the existing rights and interests of the Corporation in the land and soil of the harbour foreshore and sands or any other rights privileges and immunities now belonging to or exercised by them.

(5) Nothing in this section contained shall release the commissioners or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the commissioners or any person from or through whom the commissioners may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be

recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed. A.D. 1931.

78.—(1) (a) If at any time subsequently to the appointment or election of any commissioner he shall accept or continue to hold any office or place of trust or profit under the Act of 1843 or any Act amending or extending that Act or (without the consent in writing of the commissioners) be concerned in any contract or (without such consent) participate in any manner in any work to be done under the authority of the Act of 1843 or any such Act as aforesaid such person shall cease to be a commissioner and his office shall thereupon become vacant. Limitation on qualification of commissioners.

(b) A commissioner shall not vote or take part in the discussion of any matter before the commissioners concerning any contract or work in which he has directly or indirectly by himself or by his partner any pecuniary interest.

(c) Section XIII (No person holding office or concerned in a contract to be a commissioner) of the Act of 1843 is hereby repealed.

(2) Section XLII (Officer taking fees to lose his office) of the Act of 1843 shall be read and have effect as if the words “without the consent in writing of the commissioners” were inserted therein after the word “if.”

79. Section 102 (Qualification of voters at meetings of registered shipowners) of the Act of 1900 is hereby repealed and the said Act shall have effect as if the following provisions were inserted in lieu thereof:— Qualification of voters at meetings of registered shipowners.

(1) At every meeting of registered shipowners for the election of commissioners every person or company who is the owner of a vessel registered at the port and which shall have traded at the port once or oftener during the twelve months ending the thirtieth day of June next before the meeting and on that day resided or had a place of business in the borough or within a distance of ten miles

A.D. 1931.

from the general post office in the borough shall be entitled to one vote and no more although such person or company may be registered in respect of more than one vessel :

- (2) In every case of a company (within the meaning of the Companies Act 1929) or several persons being registered owners of a vessel whether as sole owners or as part owners (a) the person to whom an authority in writing is given by the owner or owners of such vessel or of a majority of the shares of and in such vessel to vote in respect of that vessel or (b) failing such person the managing owner thereof or (c) failing such managing owner the manager thereof or (d) failing such manager the ship's husband shall be entitled to attend and vote in respect of such vessel.

Persons
entitled
to vote at
meetings of
payers of
harbour
dues.

80. Section 103 (Persons entitled to vote at meetings of payers of harbour dues) of the Act of 1900 is hereby repealed and the said Act shall have effect as if the following provisions were inserted in lieu thereof :—

- (1) At every meeting of the payers of harbour dues for the election of commissioners every person or company residing or having a place of business within the borough or within a radius of ten miles from the general post office in the borough who during the twelve months immediately preceding the thirtieth day of June next before the meeting shall have paid as principal the sum of one pound or upwards for rates on goods (other than fish) shall be entitled to one vote and in the case of dues on fish the managing owner (or failing such managing owner the manager or failing such manager the ship's husband) of the vessel or craft from which the fish has been landed shall be deemed to be the payer of dues and shall be entitled to one vote and every skipper of a fishing vessel who is paid by share shall be entitled to one vote if he shall prove to

the satisfaction of the clerk to the commissioners before the making up of the list of payers of harbour dues as hereinafter provided that the dues paid in respect of his share in the year ended on the thirtieth day of June last preceding the election shall have amounted to the sum of one pound or upwards :

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- (2) In the case of a company (within the meaning of the Companies Act 1929) being a payer of dues any proprietor or officer of the company appointed by the company in writing under their common seal shall be entitled to exercise on behalf of the company their right of voting at the election of commissioners :
- (3) In the case of several persons in partnership being payers of harbour dues they shall with respect to voting be deemed one person and one of such partners authorised in writing by the other partners or by a majority of them or when no such writing is exhibited the partner whose name stands first among such partners shall alone be entitled to exercise on behalf of the partners their right of voting at elections of commissioners.

81. Section 104 (Qualification for elected commissioners) of the Act of 1900 is hereby repealed and the following provisions shall have effect in lieu thereof :—

Qualifica-
tion for
elected
commis-
sioners.

- (1) No person shall be qualified to be elected a commissioner by registered shipowners unless he is a registered shipowner or unless he is entitled for the time being under the provisions of the Act of 1900 as amended by this Act to vote at the election of commissioners by registered shipowners and no person shall be qualified to be elected a commissioner by the payers of harbour dues unless he is a payer of harbour dues or unless he is entitled for the time being under the provisions of the Act of 1900 as amended by this Act to vote at the election of commissioners by payers of harbour dues :

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(2) The qualification for a commissioner prescribed by sections 11 and 16 of the Act of 1843 shall not apply in the case of commissioners elected by registered shipowners or payers of harbour dues.

As to persons entitled to vote in more than one capacity.

82.—(1) No payer of harbour dues who is entitled to vote as a registered shipowner at the election of commissioners by registered shipowners shall be entitled to vote at the election of commissioners by the payers of harbour dues under the Act of 1900 as amended by this Act.

(2) Provided that any company (within the meaning of the Companies Act 1929) which is both a registered shipowner and a payer of harbour dues shall be entitled in each year to elect in which capacity it will vote but any such company exercising such right of election shall give notice in writing (signed by or on behalf of the company by the manager or secretary or other chief executive officer thereof) to the commissioners in each year on or before the thirtieth day of June informing the commissioners of the capacity in which such company shall have elected to exercise its right of voting in the ensuing year ending the thirtieth day of June and if such company fail to give the commissioners such notice in any year it shall only be entitled to vote in manner provided by subsection (1) of this section.

Amendment of section 105 of Act of 1900.

83. Section 105 (Registrar of shipping to make lists of registered owners) of the Act of 1900 shall be read and have effect as if the words “managers and ship’s husbands” were therein inserted after the words “managing owners.”

As to purchase of undertaking of commissioners.

84.—(1) The Corporation may with the consent of the Minister of Transport at any time after the passing of this Act by agreement acquire the undertaking works lands buildings rights powers privileges and authorities of the commissioners (in this section called “the harbour undertaking”) for such consideration and on such terms and conditions as may be contained in such agreement.

(2) If the Corporation shall acquire the harbour undertaking the enactments relating to that undertaking

shall with such modifications as the Minister of Transport may by order approve be read and have effect as if the Corporation were referred to therein instead of the commissioners and any such order may so far as may be necessary provide for the application of any consideration or purchase money paid to the commissioners by the Corporation. A.D. 1931.

(3) The Corporation may also purchase or lease or otherwise acquire from the commissioners any lands or other property of the commissioners which may be sold leased or otherwise disposed of by the commissioners under the provisions of this Act.

85.—(1) The commissioners shall within six months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Minister of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the commissioners and any and every such accounts. Annual accounts to be sent to Minister of Transport.

(2) The commissioners shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the commissioners referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the thirty-first day of March in each year.

(4) Section 23 (Annual account to be sent to Board of Trade) of the Order of 1918 is hereby repealed.

86.—(1) The clerk to the commissioners shall if and when requested by the Minister of Transport so to do transmit to the said Minister a return showing the provision made for the repayment of any loans raised by the commissioners under any statutory borrowing powers (which expression has the meaning assigned to it by section 207 of the Act of 1889). Return to Minister of Transport as to repayment of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the said Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or

.A.D. 1931. — other the chief accounting officer of the commissioners and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the said Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the said Minister out of the High Court.

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

PART X.

FINANCIAL.

Power to borrow.

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

and the enactments incorporated therewith or applied thereby) mentioned in the third column of the said table (namely):—

A.D. 1931.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands for the purposes mentioned in this Act.	£ 2,950	Sixty years from the date or dates of borrowing.
(b) The construction of the street works authorised by this Act.	430	Thirty years from the date or dates of borrowing.
(c) The construction of the waterworks authorised by this Act.	34,600	Forty years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part VI (Electricity) of this Act and may with the consent of the Minister of Transport borrow such further money as may be necessary for or in connection with the purchase of the undertaking of the Scarborough Tramways Company or for any of the purposes including the reinstatement of roads from which tramways are removed of Part VII (Road transport) of this Act and may with the consent of the Minister borrow such further money as may be necessary for any of the other purposes of this Act.

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

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

A.D. 1931.

Provisions
as to
borrowing
for certain
purposes of
Act of 1925.

88. When giving his consent under the provisions of subsection (3) of section 56 (Power to borrow) of the Act of 1925 to the borrowing of any money for the purposes of section 18 (Power to develop lands &c.) of that Act or at any time after giving such consent the Minister may authorise the Corporation to defer paying the first instalment towards the payment off of any moneys borrowed in pursuance of such consent (or to defer making the first payment to the sinking fund for the repayment of money so borrowed) until such date as the Minister may sanction in writing.

Power to
lend money
to Scar-
borough
Hospital.

89. Section 77 (Corporation may lend money to certain bodies and persons) of the Act of 1925 shall be read and have effect as if the owners for the time being of the Scarborough Hospital in the borough were therein referred to in addition to the Raincliffe Trust Limited or other the owners for the time being of the estates and lands known as the Ruston Cliff Wood the Rowbrow Wood the Raincliffe Wood the Throxenby Mere and Lady Edith's Drive.

Lands fund.

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

PART XI.

A.D. 1931.

MISCELLANEOUS.

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

For protection of Scarborough Gas Company.

- (1) The provisions of section 8 (For protection of Scarborough Gas Company) of the Act of 1925 shall (*mutatis mutandis*) extend and apply to the exercise by the Corporation of the powers conferred upon them by Part III (Street works) and Part IV (Waterworks) of this Act as if that section were re-enacted in this Act with reference thereto:
- (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 at all reasonable times having regard to all the circumstances 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:
- (3) In this section "apparatus" has the same meaning as in section 8 of the Act of 1925.

92.—(1) If the council shall by resolution determine that any stall structure or other erection on any forecourt within the borough is by reason of its character injurious to the amenities of the street in which such forecourt is situate the Corporation may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street:

Provisions as to forecourts.

Provided that cellar hatches and pavement lights belonging to the Scarborough and Whitby Breweries Limited at the date of this Act shall not be deemed to be structures or other erections within the meaning of this section so long as they are not raised above the

A.D. 1931. surface of the ground immediately adjacent thereto and inn signs belonging to the said company which were lawfully erected on forecourts and were in existence on the first day of March nineteen hundred and thirty-one shall not be deemed to be structures or other erections within the meaning of this section.

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

(3) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed upon every such notice served by the Corporation.

Gas poisoning.

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

- (a) for ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the free passage of gas into the building;
- (b) for securing that any geyser or similar gas heated water apparatus of the rapid water-heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated.

(2) Any byelaws made under subsection (1) of this section or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in paragraph (b) of that subsection is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

Byelaws in respect of

94. The Corporation may make byelaws with respect to the trade or business of a fish frier for the

purposes of subsection (2) of section 51 of the Public Health Acts Amendment Act 1907 notwithstanding that such trade or business may not have been declared to be an offensive trade in pursuance of subsection (1) of that section. A.D. 1931.
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fried fish shops.

95. The following provisions of the Act of 1889 the Act of 1900 and the Act of 1925 shall with all necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely) :— Application of provisions of existing Acts.

The Act of 1889—

- Section 265 (Service of notices on Corporation);
- Section 267 (Compensation how to be determined):

The Act of 1900—

- Section 7 (Power to deviate in constructing works);
- Section 13 (Correction of errors &c. in deposited plans and book of reference);
- Section 14 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.);
- Section 20 (Owners may be required to sell parts only of certain lands and buildings);
- Section 68 (For protection of lenders);
- Section 69 (Corporation not to regard trusts);
- Section 71 (Application of moneys borrowed);
- Section 87 (Expenses of execution of Act);
- Section 133 (Informations by whom to be laid);
- Section 135 (General provisions as to byelaws);
- Section 139 (Compensation may be in land &c.);
- Section 140 (Saving for indictments &c.);
- Section 142 (Powers of Act cumulative):

The Act of 1925—

- Section 6 (Power to make subsidiary works);
- Section 7 (Temporary stoppage of streets);
- Section 14 (Extinction of private rights of way);

A.D. 1931.

- Section 15 (Compensation in case of recently acquired interest);
- Section 16 (Benefits to be set off against compensation);
- Section 20 (Retention and disposal of lands);
- Section 21 (Proceeds of sale of surplus lands);
- Section 57 (Moneys borrowed to be principal moneys);
- Section 92 (As to appeal);
- Section 93 (Application of section 265 of Public Health Act 1875);
- Section 94 (Recovery of demands);
- Section 95 (Recovery of penalties &c.);
- Section 96 (Damages and charges to be settled by justices);
- Section 99 (Judges &c. not disqualified);
- Section 100 (Inquiries by Minister of Health);
- Section 101 (Crown rights):

Provided that—

- (a) In the application of the said section 20 of the Act of 1900 that section shall be read and have effect as if the schedule to this Act were therein referred to instead of the Second Schedule to the Act of 1900;
- (b) The said sections 7 and 13 of the Act of 1900 and the said sections 6 and 16 of the Act of 1925 shall only apply to and for the purposes of Part III (Street works) of this Act;
- (c) The said section 135 of the Act of 1900 shall not apply to byelaws made under Parts VI and VII of this Act;
- (d) In the application of the said section 15 of the Act of 1925 that section shall be read and have effect as if the twentieth day of November nineteen hundred and thirty were therein referred to instead of the fifteenth day of November nineteen hundred and twenty-four.

96.—(1) 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 or of the commissioners or of the Scarborough Tramways Company the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.”

A.D. 1931.

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Inquiries by
Minister of
Transport.

(2) Where the Minister of Transport causes any inquiry to be held for the purposes aforesaid otherwise than in pursuance of an application within the meaning of section 3 of the said Act of 1874 all expenses incurred by the Minister of Transport in relation to such inquiry shall be payable and recoverable under the said section 3 as if they were expenses incurred by the Minister of Transport in relation to an application.

97. All the costs charges and expenses preliminary to and of and incidental to preparing applying for 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 and the general rate or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

[Ch. cvi.]

Scarborough
Corporation Act, 1931.

[21 & 22 GEO. 5.]

A.D. 1931.

The SCHEDULE referred to in the
foregoing Act.

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

Area.	Numbers on deposited plans.
The borough	- 5 6 7 8 9 10 12 13 14 15 16 17 20 21 22 23 24 25 26 27 28.

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