



CHAPTER xlv.

An Act to confer further powers upon the lord mayor
aldermen and citizens of the city of York in relation
to their electricity undertaking the Skeldergate Bridge
and other matters. A.D. 1913.
[15th August 1913.]

WHEREAS by the York Electric Lighting Order 1890 which was confirmed by the Electric Lighting Orders Confirmation (No. 6) Act 1890 the lord mayor aldermen and citizens of the city of York (in this Act called "the Corporation") were empowered to supply electrical energy for public and private purposes within the city and it is expedient to enable them to acquire additional lands for the purposes of their electricity undertaking (other than the generation of electricity) and to confer further powers upon them in regard to that undertaking:

And whereas in pursuance of the York (Skeldergate Bridge) Improvement Act 1875 the Corporation have constructed a bridge across the River Ouse known as the Skeldergate Bridge and by that Act they are empowered to take and demand the tolls or sums therein mentioned in respect of the use of the bridge:

And whereas by section 69 of the last-mentioned Act the Corporation are empowered to open the said bridge as a free bridge when and so soon as the sum remaining due and owing under the powers of that Act shall have been reduced to the sum of fifteen thousand pounds and the borrowing powers of the Corporation shall also have been limited or reduced to the same amount and it is expedient that the Corporation should be empowered to open the bridge as a free bridge before the happening of the events mentioned in that section:

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And whereas in the performance of the duties imposed upon them by the Lunacy Act 1890 the Corporation have purchased lands for and have erected a lunatic asylum and they have with the approval of the Local Government Board borrowed sums amounting to thirteen thousand eight hundred and eighty-five pounds for the purchase of such lands and the sum of ninety-eight thousand four hundred and sixty-five pounds for the erection of the asylum:

And whereas the said sums have been borrowed by the Corporation subject to the provisions of the Municipal Corporations Act 1882 and the Local Government Board as a condition of their approval of the borrowing thereof have required such sums to be repaid within the period of thirty years from the date of the borrowing thereof that being the longest period allowed by the said Act and it is expedient to extend the period for the repayment of the said sums and to empower the Local Government Board to allow longer periods than thirty years for the repayment of any sums which the Corporation may hereafter borrow with their approval under the Municipal Corporations Act 1882:

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:—

For the construction of cooling tanks and other works on the lands which the Corporation are authorised by this Act to acquire for the purposes of their electricity undertaking and for the utilization of such lands for the purposes of that undertaking - - - - - £5,150:

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

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 the approval of the Local Government Board has been obtained:

And whereas a plan of the lands which may be taken for the purposes or under the powers of this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the city and are in this Act respectively referred to as the deposited plan and book of reference: A.D. 1913.

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

PART I.

PRELIMINARY.

1. This Act may be cited as the York Corporation Act Short title.
1913.

2. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act. Incorporation of Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires— Interpretation.

The expressions “the Corporation” “the city” “the town clerk” “the borough fund” “the borough rate” “the district fund” “the general district rate” “statutory security” and “statutory borrowing power” have the meanings assigned to them respectively by section 3 (Interpretation) of the Act of 1902;

“The tribunal” means the jury arbitrators umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred;

“The Act of 1875” means the York (Skeldergate Bridge) Improvement Act 1875; and

“The Act of 1902” means the York Corporation Act 1902.

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PART II.

ELECTRICITY.

Acquisition
of lands for
electricity
undertaking.

4. Subject to the provisions of this Act the Corporation may enter upon take and use the lands delineated on the deposited plan and described in the deposited book of reference and therein numbered 1 and may construct thereon cooling tanks and other works and may use such lands for any purposes of their electricity undertaking except the generation of electricity.

Errors and
omissions in
plan and
book of
reference.

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

Period for
compulsory
purchase of
lands.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Costs of ar-
bitration &c.
in certain
cases.

7.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars

and in sufficient time shall have been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. A.D. 1913.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

8. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or in respect of any interest in the land created after the twentieth day of November nineteen hundred and twelve if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act. Provisions
as to com-
pensation.

9.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity 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. Period of
error in de-
fective
meters.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer

A.D. 1913. as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Power to lay electric lines &c. in streets not dedicated to public use.

10.—(1) The Corporation may on the application of the owner or occupier of any premises within the city abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the York Electric Lighting Order 1890 and of the Electric Lighting Acts 1882 to 1909 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section.

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

Power to construct electrical sub-stations under streets.

11.—(1) The Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming-stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming-stations and works as may be necessary or convenient.

(2) Provided that no such sub-stations transforming-stations or other works connected therewith shall be constructed within a distance of twenty-five yards of any property of any railway company except with the consent of such company.

As to expenses.

12. Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and for which no other provision is made by this Act 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 section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

PART III.

A.D. 1913.

FINANCE.

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

Power to borrow.

1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For the purchase of the lands which the Corporation are authorised by this Act to purchase for their electricity undertaking.	The sum requisite.	The revenue of the electricity undertaking of the Corporation and the district fund and the general district rate.	Sixty years from the date or dates of borrowing.
(b) For the construction of cooling tanks and other works on the last-mentioned lands and for the utilization thereof for the purposes of the electricity undertaking of the Corporation.	£5,150	The revenue of the electricity undertaking of the Corporation and the district fund and the general district rate.	Thirty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite.	The district fund and the general district rate.	Five years from the passing of this Act.

(2)—(a) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act:

(b) In order to secure the repayment of the money borrowed under this subsection and the payment of the interest thereon the Corporation may mortgage or charge such fund rate or revenue as the Local Government Board may prescribe:

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as “the prescribed period”) as may be prescribed by the Local Government Board.

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(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 167 (Power to use one form of mortgage for all purposes) of the Act of 1902.

Expenses of execution of Act.

14. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the district fund.

Power to re-borrow.

15.—(1) The Corporation shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 36 (Power to re-borrow) of the York (Micklegate Strays) Act 1907 is hereby repealed but without prejudice to anything done or suffered to be done thereunder. A.D. 1913.

16. The period for the repayment of the sums mentioned in the preamble to this Act which the Corporation have borrowed with the approval of the Local Government Board for the purchase of lands for and for the erection of a lunatic asylum shall notwithstanding anything contained in the Municipal Corporations Act 1882 and notwithstanding the conditions imposed by the said Board be—

Extension of periods for repayment of money for lunatic asylum.

(1) As regards money borrowed for the purchase of lands sixty years; and

(2) As regards money borrowed for the erection of the asylum forty-five years;

from the dates of the borrowing thereof respectively.

17. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money which may hereafter be borrowed by the Corporation in pursuance of that Act or of any Act to which the provisions of that Act relating to the borrowing of money are made applicable shall be repaid within such period not exceeding sixty years as the Local Government Board shall in each case prescribe.

Period for repayment of loans under Municipal Corporations Act 1882.

PART IV.

MISCELLANEOUS.

18.—(1) The Corporation may if they think fit at any time hereafter by resolution of the council determine that the Skeldergate Bridge shall be a free bridge and as from the date named in such resolution no tolls shall be taken for the use of the bridge in pursuance of the Act of 1875 and the provisions of that Act shall apply as if the power to take tolls for the use of the bridge had ceased and determined under section 69 (Bridge may be free in certain events) of that Act.

Skeldergate Bridge may be free.

(2) If the powers of this section shall be exercised by the Corporation during the subsistence of any mortgage of the said tolls or of any annuity payable out of the said tolls and granted under the authority of the Act of 1875 any such mortgage shall as from the date named in such resolution be deemed to be a mortgage of the borough fund and the borough rate instead of such tolls and any such annuity shall be payable out of the borough fund.

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(3) If the powers of this section shall be exercised by the Corporation within five years from the passing of this Act the period for the repayment of any money borrowed under the Act of 1875 or under the Order of the Local Government Board for altering that Act which was confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880 shall notwithstanding anything contained in that Act or Order be twenty-seven years from the passing of this Act.

(4) Section 69 (Bridge may be free in certain events) of the Act of 1875 is hereby repealed.

Application
of section
265 of Pub-
lic Health
Act 1875.

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

Powers of
Act cumu-
lative.

20. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Judges not
disqualified.

21.—(1) A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or of any local Act for the time being in force in the city by reason of his being liable to any rate.

(2) Section 183 (Judges not disqualified) of the Act of 1902 is hereby repealed.

Application
of sections
of Act of
1902.

22. The following sections of the Act of 1902 shall extend and apply to the purposes and to the exercise of the powers of this Act as if the same were with any necessary modifications re-enacted in this Act (that is to say):—

Section 149 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);

Section 150 (Mode of raising money);

Section 151 (Provisions of Public Health Act as to mortgages to apply);

- Section 153 (Mode of payment off of money borrowed); A.D. 1913
Section 154 (Sinking fund);
Section 155 (Protection of lender from inquiry);
Section 156 (Corporation not to regard trusts);
Section 157 (Appointment of receiver);
Section 159 (Return respecting sinking fund to Local Government Board);
Section 160 (Application of money borrowed);
Section 162 (Audit of accounts);
Section 176 (Inquiries by Local Government Board);
Section 180 (Recovery of penalties);
Section 181 (Informations by whom to be laid); and
Section 182 (Penalties to be paid over to treasurer):

Provided that the said section 153 shall have effect as if there were inserted therein after the words "within one year" the words "or when the money is repaid by half-yearly instalments within six months."

23. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund or out of money to be borrowed under this Act for that purpose.

Costs of
Act.

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