



CHAPTER liii.

An Act to confer powers upon the mayor aldermen and burgesses of the borough of Hove in relation to the acquisition of the undertaking of the Hove Electric Lighting Company Limited and to the supply of electricity and to make further provision for the health local government and improvement of the borough and for other purposes. A.D. 1913.

[15th August 1913.]

WHEREAS the borough of Hove is a municipal borough under the government of the mayor aldermen and burgesses thereof (hereinafter referred to as "the Corporation"):

And whereas under and by virtue of the Hove Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation Act 1890 (in this Act referred to as "the Order of 1890") and the Hove (Aldrington) Electric Lighting Order 1898 confirmed by the Electric Lighting Provisional Orders Confirmation (No. 4) Act 1898 (in this Act referred to as "the Order of 1898") the Hove Commissioners (now represented by the Corporation) were authorised to supply electrical energy for public and private purposes within the parishes of Hove and Aldrington respectively both in the borough of Hove and to construct works for the purposes of and in connection with the supply of electrical energy under the powers of such Orders:

And whereas by deed dated the eighth day of December one thousand eight hundred and ninety-two (in this Act referred to as "the deed of 1892") and made between the Hove Commissioners (now represented by the Corporation) of the one part and the Hove Electric Lighting Company Limited (in this Act referred to as "the company") of the other part all the rights powers duties and obligations of the Corporation under the Order

A.D. 1913. of 1890 save as therein mentioned were transferred to the company for a period of forty-two years from the date of the deed of 1892 And it is provided by such deed inter alia as follows:—

“12. At the expiration of twenty-one years from the
“ date of these presents and at the expiration of every
“ seven years thereafter the Commissioners shall be at
“ liberty if they think fit on giving twelve calendar months
“ previous notice to the Company to purchase the under-
“ taking buildings works machinery and plant of the Com-
“ pany either by (1) paying to the Company the amount of
“ the legitimate capital expenditure of the Company with
“ such sum added as shall with the profits previously made
“ and available for distribution as dividend make up a
“ total cumulative dividend of seven per cent. per annum
“ on the capital actually received by the Company from
“ the shareholders or (2) on paying for the undertaking
“ by valuation as a going concern and not subject to the
“ restrictions set forth in the second section of the
“ Electric Lighting Act 1888 The amount of such
“ legitimate capital expenditure or of such valuation as
“ the case may be to be settled in case of dispute by
“ arbitration” :

And whereas the Corporation by resolution passed on the fourteenth day of November one thousand nine hundred and twelve decided to purchase the undertaking of the company and on the second day of December one thousand nine hundred and twelve in pursuance of the before recited provision of the deed of 1892 gave notice to the company of their intention to purchase the undertaking under and subject to the first of the alternative modes of payment mentioned in the last preceding recital :

And whereas the company have constructed works in the said parishes of Hove and Aldrington and are supplying electrical energy in the said parish of Hove :

And whereas it is expedient that provision should be made in reference to the transfer to and vesting in the Corporation of the undertaking of the company as in this Act provided :

And whereas it is expedient that the area of supply for electrical energy under the Order of 1890 and the Order of 1898 should be consolidated and that further powers should be conferred upon the Corporation with respect to their electricity undertaking as in this Act provided ;

And whereas it is expedient to make further provision in regard to the streets and buildings in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough be enlarged as in this Act provided :

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 and in connection with the purchase of land	£
for and the execution of the works authorised	
by Part II. (Street Improvements) of this Act	1,480
For the extension of the electrical undertaking	
of the Corporation after the date of transfer	
and the construction and provision of mains	
works fittings and apparatus and alterations of	
and additions to plant	- - - - - 30,000

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

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 a plan and section showing the lines and levels of the works authorised by this Act and also a book of reference thereto containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Sussex and are in this Act respectively referred to as the deposited plan section 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 (that is to say) :—

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PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Hove Corporation Act 1913.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Street Improvements.

Part III.—Transfer of Undertaking of the Company.

Part IV.—Supply of Electricity.

Part V.—Streets Buildings Sewers and Drains.

Part VI.—Infectious Disease and Sanitary Provisions.

Part VII.—Finance.

Part VIII.—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 or expressly varied by the provisions of this Act are hereby incorporated with and form part of this Act:—

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

(2) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (except subsection (1) of section 21 subsection (1) of section 23 and sections 83 and 84 of that schedule) and the expression “the Special Order” shall mean and include this Act.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith 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 the Acts so incorporated with this Act the expressions “the Undertakers” and “the promoters of the Undertaking” shall for the purposes of this Act mean the Corporation. And in this Act unless the subject or context otherwise requires—

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

“The borough” means the borough of Hove;

“The company” means the Hove Electric Lighting Company Limited; A.D. 1913.

“The Act of 1912” means the Hove Corporation Act 1912;

“The Act of 1830” means the provisions of the Act of 2 George IV. and 1 William IV. intituled “An Act for paving lighting watching cleansing and otherwise improving Brunswick Square and Brunswick Terrace and certain streets and other public places upon certain grounds late part of a farm called ‘The Wick Farm’ in the parish of Hove in the county of Sussex” which were not repealed by the Hove Commissioners Act 1873 and are set out in Schedule A. to that Act;

“The Order of 1890” means the Hove Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation Act 1890;

“The Order of 1898” means the Hove (Aldrington) Electric Lighting Order 1898 confirmed by the Electric Lighting Provisional Orders Confirmation (No. 4) Act 1898;

“The deed of 1892” means the deed of transfer dated the eighth day of December 1892 by the Hove Commissioners (now represented by the Corporation) to the company;

“The undertaking of the company” means the undertaking buildings works machinery and plant of the company purchased or to be purchased by the Corporation under and subject to the provisions of the deed of 1892 in pursuance of notice by the Corporation under clause 12 of such deed of their intention to purchase the same;

“The date of transfer” means the date on which the purchase money for the undertaking of the company is paid as provided in the section of this Act the marginal note of which is “Payment of purchase money and date of transfer”;

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

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

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction.

PART II.

STREET IMPROVEMENTS.

Power to
construct
street im-
provements.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plan and section the works in the borough herein-after described together with all necessary or proper works and conveniences connected therewith or incident thereto:—

Widening No. 1 A widening of Holland Road on the west side thereof where such road passes along the east end of Palmeira Lawn between Church Road and Western Road:

Widening No. 2 A widening of the road between Church Road and Western Road on the western end of Palmeira Lawn.

Subsidiary
works.

6. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plan the Corporation may in connection with the works authorised by this Part of this Act and for the purposes thereof alter remove and reconstruct as they may think fit the underground lavatory and alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section Provided always that nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the

Act of 1882 apply except in accordance with and subject to the provisions of that section. Provided also that the Corporation shall not alter divert or otherwise interfere with any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878. A.D. 1913.

7. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plan to any extent not exceeding the limits of lateral deviation shown on that plan and from the levels thereof as shown on the deposited section to any extent not exceeding two feet either upwards or downwards. Limits of deviation.

8. If the works by this Part of this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

9. Subject to the provisions of this Part of this Act the Corporation may for the purposes of the said street improvements enter on take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the construction of the works authorised by this Part of this Act. Power to take lands.

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

11. For the protection of the Brighton and Hove General Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect in relation to the execution of any works or the exercise of any powers under this Part of this Act (that is to say):— For protection of Brighton and Hove General Gas Company.

- (1) The Corporation before commencing to execute any work under this Part of this Act which may involve diverting or otherwise altering the position of or interfering with or affecting any mains pipes or apparatus of the gas company (in this section referred to as "apparatus") or of so altering the surface of

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the road or footway as to reduce the depth of the apparatus below such surface shall give fourteen days' notice to the gas company of their intention to execute such work and shall at the same time deliver a plan section and description of the work so far as it may affect such apparatus and a notice stating the date when it is proposed to commence such work. If it should appear to the gas company that the execution of such work as proposed would endanger any such apparatus or interfere with or impede the supply of gas the gas company may within seven days after delivery of the said plan section and description give notice to the Corporation to lower or otherwise alter the position of or to support or otherwise deal with such apparatus in such manner as the gas company may consider necessary and any difference as to the necessity of any such requirement of the gas company shall be settled by arbitration as in this section provided and all alterations and works made or executed under this section shall be made with as little detriment and inconvenience to the gas company as circumstances will admit and under the superintendence and to the reasonable satisfaction of the engineer of the gas company if he thinks fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Corporation are hereby required to give and the reasonable costs and expenses of such superintendence shall be paid to the gas company by the Corporation:

- (2) If the gas company within seven days after receipt by them of any notice from the Corporation under this section elect by notice in writing to the Corporation so to do the gas company may themselves divert or otherwise alter the position of any apparatus of the gas company to which such notice of the Corporation relates or shore up support or otherwise protect the same so far as may be reasonably necessary for preventing any interruption to the supply of gas under the superintendence (if the same be given) and to the reasonable satisfaction of the surveyor of the Corporation and the reasonable expenses actually incurred by the gas company in so doing shall be

repaid to them by the Corporation but if for seven days after giving any such notice the gas company do not proceed with due diligence to divert alter or shore up support or protect any such apparatus as aforesaid the Corporation may forthwith divert or alter the same :

- (3) The Corporation in executing any works authorised by this Part of this Act shall make good all damage done to the apparatus of the gas company and shall make full compensation to the gas company for any loss damage or expense which they may sustain or be put to by reason of any interference with or damage to any such apparatus and if in executing or in consequence of any such works the supply of gas in or through the mains and pipes of the gas company shall be interrupted the Corporation shall compensate the gas company for and indemnify them against all damages losses claims or expenses incurred by or caused to them by or by reason or in consequence of such interference damage or interruption the amount of such compensation failing agreement to be settled by arbitration as in this section provided :
- (4) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the gas company :
- (5) Any matter to be settled by arbitration under the provisions of this section and any difference which may arise between the Corporation and the gas company under this section shall be determined by an engineer to be appointed failing agreement 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.

PART III.

TRANSFER OF UNDERTAKING OF THE COMPANY.

12. Unless otherwise agreed in writing between the Corporation and the company the purchase money to be paid by the Corporation for the undertaking of the company under the deed of 1892 shall be paid on the eighth day of December one thousand

Payment of purchase money and date of transfer.

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Vesting of undertaking of company in Corporation.

13.—(1) As from the date of transfer the undertaking of the company shall by virtue of this Act be transferred to and vested in the Corporation.

(2) The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by two directors or the liquidator of the company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the undertaking of the company.

Receipt for purchase money.

14. The receipt in writing of two directors or the liquidator of the company for any money paid or to be paid to the company by the Corporation in respect of the purchase of the undertaking of the company shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of two directors or the liquidator of the company.

Maintenance of undertaking by company till date of transfer.

15. From the eighth day of December one thousand nine hundred and thirteen until the date of transfer the undertaking of the company shall be maintained and carried on by the company as heretofore in the ordinary course of business but the company shall not without the previous consent of the Corporation under the hand of the town clerk (which consent shall not be unreasonably withheld) create or issue any further capital or make or enter into any new contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the work and proper conduct of the undertaking. All revenues and receipts derived from and all expenses of and in relation to the undertaking up to the date of transfer shall

be received and borne respectively by the company For the purposes of this section all necessary apportionments shall be made. A.D. 1913.

16. Subject to the provisions of the deed of 1892 or any agreement which may be entered into between the Corporation and the company in reference to the purchase of the undertaking of the company all agreements contracts conveyances deeds and other instruments affecting the undertaking of the company and in force at the date of transfer shall as from that date be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto. Contracts of company to be binding on Corporation.

17. The Corporation shall forward to the registrar of joint stock companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Corporation shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily There shall be paid to the registrar by the Corporation on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up in England. Copy of Act to be registered.

PART IV.

SUPPLY OF ELECTRICITY.

18. This Part of this Act shall take effect as from the date of transfer and that date shall for the purposes of the Electric Lighting (Clauses) Act 1899 be the commencement of this Act. Commencement of this Part of Act.

19. The undertakers for the purposes of this Part of this Act and within the meaning of section 2 of the schedule to the Electric Lighting (Clauses) Act 1899 are the Corporation. Undertakers.

20. The Order of 1890 and so much of the Electric Lighting Orders Confirmation Act 1890 as relates thereto and the Order of 1898 and so much of the Electric Lighting Provisional Orders Repeal of Orders of 1890 and 1898.

A.D. 1913. Confirmation (No. 4) Act 1898 as relates thereto are hereby repealed except the sections of those Orders which are set forth in the First Schedule to this Act and the provisions of those sections are exempted from repeal and shall extend and apply to the electrical undertaking of the Corporation authorised and constituted by this Act.

Corporation may carry on undertaking of company.

21. The Corporation may maintain continue renew extend alter discontinue and carry on the undertaking of the company and all or any works and things comprised therein including the generating stations referred to in the section of this Part of this Act whereof the marginal note is "Generating stations" and may employ the same for the purposes of and in connection with the supply of electrical energy under and for the purposes of this Act and for any of the purposes of the Act of 1912.

Generating stations.

22. The Corporation may maintain repair extend and use the works for producing generating transforming storing and applying electricity upon the lands or part of the lands described in the Second Schedule to this Act.

Area of supply.

23. The area of supply for the purposes of this Act and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be the area which is described in the Third Schedule to this Act.

Maximum prices.

24. The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by section 10 of the Electric Lighting Act 1909 are those stated in the Fourth Schedule to this Act.

Power to lay mains in private roads.

25. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large supply such premises with electrical energy and may lay down 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 Electric Lighting Act 1882 and 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 Provided always that nothing in this section shall empower the Corporation to lay any mains wires and

apparatus in under or over or to break up or otherwise interfere with the road known as the towing path commencing on the south side of Shoreham Harbour on the east side of the Brighton Corporation's Electricity Works at Southwick and running past the Brighton and Hove General Gas Company's Works at Portslade until it joins the main road between Shoreham and Brighton opposite the Wish Pond or the private road lying to the west of and in part adjoining the gasworks of the Brighton and Hove General Gas Company in the parish of Hove Provided also that nothing in this section shall enable the Corporation to break up any street belonging to the London Brighton and South Coast Railway Company without their consent such consent not to be unreasonably withheld. A.D. 1913.

26. The Corporation may with the consent of the owner of any building wall or bridge attach to that structure such brackets lamps and apparatus as may be required for lighting any street in the borough: Attachment of brackets and lamps to buildings.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:
- (2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (1):

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(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the structure.

For the purpose of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Period of error in defective meters.

27.—(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.

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

Discount on electric supply accounts.

28. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electrical energy from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

Power to construct electrical sub-stations under streets.

29. The Corporation may in the area of supply but subject to the provisions of the Electric Lighting Acts 1882 to 1909 and the provisions of the Schedule to the Electric Lighting (Clauses) Act 1899 incorporated with this Act 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.

Electrical fittings.

30.—(1) The Corporation may subject to the provisions of this section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches

lamp-holders motors and other electrical fittings for lighting and motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and subject to such terms and conditions as may be agreed upon. A.D. 1913.

(2) The Corporation shall not themselves execute the wiring of private property except between the main of the Corporation and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Corporation in the execution of the contract. The Corporation shall not sell fix repair or remove any such electrical fittings except through a contractor carrying on his business independently of the Corporation.

(3) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(4) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) The sums properly chargeable 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 electricity undertaking of the Corporation for that year:

(C) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

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Byelaws as
to fittings.

31. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electrical energy 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 the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

Revision of
prices so as
to balance
revenue and
expenditure.

32.—(1) The Corporation shall so soon as the annual statement of accounts of their electricity undertaking has been filled up in the form prescribed by the Board of Trade under the Electric Lighting Acts 1882 to 1909 publish in a newspaper circulating in the borough a notification that such statement of accounts has been filled up and that copies of it can be obtained at the offices of the Corporation at a price not exceeding one shilling per copy and such publication shall be in addition to and not in substitution for any publication prescribed by the Board of Trade under the said Acts and the Corporation shall furnish a copy of such accounts to every person applying for the same at such price.

(2) The Corporation shall on the expiration of the third complete financial year after the date of transfer and on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the scales of prices charged for electrical energy under this Act so that so far as is reasonably practicable no contribution from the rates of the borough will be required for the purpose of defraying the future expenses of the said undertaking during the then next three years Provided nevertheless that—

- (a) The prices to be charged shall not exceed the maximum prices which may be charged under this Act;
- (b) The scales of prices so reconsidered and revised may be from time to time in like manner reconsidered and revised by the Corporation.

(3) Nothing in this section contained shall prevent the Corporation from entering into contracts for periods which may extend beyond the periods at which any revision may take place under the provisions of this section on special terms under special circumstances not applicable to ordinary consumers but each such contract shall provide that the price to be charged for energy supplied under such contract shall either—

(a) Be subject to revision at the next triennial revision A.D. 1913.
provided for in this section; or

(b) Vary in the same proportion as the prices charged to ordinary consumers:

Provided that the Corporation shall not without their consent be required to accept any price lower than the minimum price mentioned in such contract.

(4) There shall not be made against the district rate or any other rate—

(a) in respect of energy used by the Corporation for street lighting or other lighting purposes a charge at any higher rate than that made to consumers using energy for lighting for similar hours of supply; or

(b) in respect of energy used by the Corporation for any other municipal purpose a charge at any higher rate than that made to consumers using energy for similar purposes and for similar hours of supply.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

33. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the borough be deemed to be a new street.

Continuation of existing street to be deemed new street.

34.—(1) When any street or road repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be

Corporation may define future line of streets.

A.D. 1913. ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase-money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase-money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall offend against this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Application of purchase money in certain cases.

35. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase-money or compensation coming to parties having limited interests or prevented from treating or not making title are hereby incorporated with this Act and shall apply to any purchase-money or compensation payable under the foregoing provisions of this Part of this Act.

No building allowed until street defined.

36.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length

of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof. A.D. 1913.

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

37. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of a notice by the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. For preventing water flowing on footpaths.

38.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street. Forecourts to be fenced off from streets.

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

39.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage. Trees or shrubs overhanging streets and footpaths.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and 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

A.D. 1913. award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Prevention and removal of projections over streets.

40. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Power to require repair or taking down of dilapidated buildings.

41.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order to either put such building (in this section referred to as “a neglected structure”) into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the

owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

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42.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

Erection of buildings to greater height than adjoining buildings.

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

43.—(1) Every new building exceeding thirty feet in height measured from the level of the pavement or street on which such building abuts to the eaves or parapet of the roof of such building used or intended to be used as flats or as a tavern hotel restaurant hospital boarding-house common lodging-house or school shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

Means of escape from buildings in case of fire.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(3) Nothing in this section contained shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

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

Power to lay drains in private streets.

44. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation in case of dispute to be ascertained by and recovered before a court of summary jurisdiction.

Notice of intention to repair drains.

45.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor the inspector of nuisances or to any other officer of the Corporation authorised in writing by the town clerk for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

(4) This section shall not apply in the case of any drain in or on land of the London Brighton and South Coast Railway Company which is used only for the purpose of carrying off storm or surface water.

Improper construction or repair of water closet or drain.

46. If a water closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time

appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

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47. If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Corporation shall make communications between drains and sewers.

48. The powers given by section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

49. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Penalty on occupier refusing execution of Act.

50. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 102.

Power of entry.

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Saving as to
railway com-
panies.

51. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament.

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

For regulat-
ing manufac-
ture and sale
of ice cream
&c.

52.—(1) Any person being a manufacturer of or merchant or dealer in ice cream or other similar commodity who within the borough—

- (A) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice cream commodity or materials so destroyed.

(3) In the event of any cart barrow or other vehicle or stand being in such condition as is likely to render the ice cream or similar commodity or the materials therein or thereon injurious to health or if the ice cream or similar commodity or materials are in such a condition as to be unfit for human consumption the medical officer may seize and destroy such ice cream or similar commodity or materials.

(4) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings. A.D. 1913.

53.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or other vehicle or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any officer authorised as aforesaid may at any time inspect any such cart barrow vehicle or stand in any street or public place. Inspection of premises of dealer in ice cream.

(2) Any person refusing entry into or inspection of such premises cart barrow vehicle or stand as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

54. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Corporation but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area. Defining the establishing a new business.

55.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of Information to be furnished to medical

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officer and
penalty for
furnishing
false infor-
mation.

the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable for every such offence to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Regulation
dustbins.

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

(2) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

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

Public
notice to be
given of pro-
visions of
this Part of
Act.

57.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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

Expenses of
this Part of
Act.

58. Any expenses of the execution by the Corporation of this Part of this Act shall be defrayed out of the district fund.

PART VII.

A.D. 1913.

FINANCE.

59.—(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 they shall pay off all money so borrowed within the respective periods each of which is in this Act referred to as “the prescribed period” mentioned in the third column of the said table (namely):—

Power to borrow.

Purpose.	Amount.	Period for Re-payment.
(a) For and in connection with the purchase of land for and the execution of the works authorised by Part II. (Street Improvements) of this Act.	£1,480	Twenty years from the date or dates of borrowing.
(b) For the purchase of the Undertaking of the Company and defraying the costs and expenses incident to such purchase and the transfer of the Undertaking to the Corporation.	The sum requisite.	Thirty years from the date or dates of borrowing.
(c) For the extension of the electrical undertaking of the Corporation after the date of transfer and the construction and provision of mains works fittings and apparatus and alterations of and additions to plant and for working capital in relation to such undertaking.	£37,000	Twenty years from the date or dates of borrowing.
(d) For payment of costs charges and expenses of this Act as hereinafter provided.	The sum requisite.	Five years from the passing of this Act.

(2) 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 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.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards moneys borrowed for the purposes (a) hereinbefore mentioned the district fund and general district rate :

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As regards moneys borrowed for the purposes (b) and (c) herein-before mentioned the revenue of the electricity undertaking and the district fund and general district rate:

As regards moneys borrowed for the purpose (d) herein-before mentioned the borough fund and borough rate and the district fund and general district rate:

As regards moneys borrowed with the consent of the Local Government Board the revenue of the electricity undertaking and the district fund and general district rate.

The provisions of this subsection shall not limit the powers conferred upon the Corporation by section 67 of the Act of 1912. (Power to use one form of mortgage for all purposes).

Application of money borrowed.

60. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application of certain sections of Act of 1912.

61. The following provisions of the Act of 1912 (namely):—

Section 56 (Section 234 of Public Health Act 1875 not to apply);

Section 58 (Mode of raising money);

Section 59 (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 60 (Mode of payment off of money borrowed);

Section 61 (Sinking fund);

Section 62 (Protection of lender from necessity of inquiry);

Section 64 (Corporation not to regard trusts);

shall subject to the provisions of this Act extend and apply mutatis mutandis to and in the case of moneys to be borrowed under the provisions of this Act and such sections shall be incorporated in this Act and be read and have effect as if they had reference to money borrowed under the powers of this Act.

Appointment of receiver.

62.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the

appointment of a receiver shall not be less than one thousand pounds in the whole. A.D. 1913.

(2) The application for the appointment of a receiver shall be made to the High Court.

63.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their electricity or trolley vehicle undertakings respectively and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from any bank or on temporary loan or deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one-third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Corporation authorising such borrowing *pari passu* with any Corporation stock bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve :

As to
temporary
borrowing.

Provided that—

(A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year :

(B) The treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require :

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(c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and fourteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Application
of moneys
arising from
sale of lands
&c.

64. The Corporation shall apply all moneys received by them in respect of any sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Corporation on capital account under this Act in or towards paying off any moneys borrowed and for the time being owing by the Corporation under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation on capital account Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Expenses of
execution of
Act.

65. 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 borough fund and borough rate or the district fund and general district rate as

the Corporation may in their discretion having regard to the objects of the expenditure deem just. A.D. 1913.

66. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act. Audit of accounts.

PART VIII.

MISCELLANEOUS.

67. The Corporation may advertise the advantages and amenities of the borough or any part thereof as a health resort or watering place by handbooks or leaflets or by the insertion of advertisements in newspapers not published within the borough or otherwise with the exception of posters and placards as they may see fit and may in lieu of carrying to the credit of the district fund the profits (if any) received by them in respect of the year ending thirty-first March one thousand nine hundred and thirteen or any subsequent year from the letting of chairs apply such profits for the purpose of defraying the expenses incurred by them under this section and the Corporation shall not be entitled to apply any other moneys for such purpose and the sums so expended shall not in any one financial year exceed the amount that could be raised by a rate of one halfpenny in the pound on the rateable value of the borough. Corporation may advertise borough.

68. Notwithstanding anything contained in section 253 of the Public Health Act 1875 the Corporation shall have power to take proceedings under that Act for any offence committed in the Hove Park and Hove Recreation Ground belonging to the Corporation as if the said park and recreation ground formed part of and were within the borough. And the police of the borough may be required notwithstanding anything contained in section 2 of the County and Borough Police Act 1859 to act at any time whether in the case of special emergency or otherwise within the said park and recreation ground. Provided that nothing herein contained shall in any way prejudice or affect the powers of the police force of the county of East Sussex. Prosecution of offences in Hove Park and Hove Recreation Ground.

69. Notwithstanding anything contained in section 113 of the Act of 1830 the Corporation may erect provide and maintain a bandstand not exceeding twenty-five feet in height measured Corporation may erect bandstands &c. on Brunswick Lawns,

A.D. 1913. from the existing level of the ground to the top of the main roof and shelters and chairs and plant and maintain shrubs on Brunswick Lawns and the sea wall situate to the south of such lawns and lay out and improve the same and erect and maintain low boundary walls not exceeding three feet in height for the protection of such shrubs.

In executing works for owners Corporation not liable for damages save in case of negligence.

70. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Expenses may be declared private improvement expenses.

71. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Inquiries by Local Government Board.

72.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Informations by whom to be laid.

73. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws] made thereunder may be laid and

made by an officer of the Corporation authorised in that behalf or by the town clerk. A.D. 1913.

74. Where in any legal proceedings taken by or on behalf of the Corporation under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution of the Corporation or of any committee of the Corporation a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the mayor or the town clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments and authority.

75. In the case of any notice or demand under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business. Authentification and service of notices &c.

76. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Corporation.

77. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed may be given under the hand of the town clerk. Consent of Corporation to be in writing.

78. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from Apportionment of expenses in case of joint owners.

A.D. 1913. the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Confirmation of byelaws.

79. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except the byelaws made under the section of this Act the marginal note of which is "Byelaws as to fittings."

As to appeal.

80. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Recovery of penalties &c.

81. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs damages and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs damages or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

82. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Damages and charges to be settled by justices.

83. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid over to treasurer.

84. All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and shall

be carried by him to the credit of the district fund or to such other fund as the Corporation direct. A.D. 1913.

85. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts. Determina-
tion of com-
pensation.

86. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation. Persons
acting in
execution
of Act not to
be personally
liable.

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

88. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any local rate of the borough. Judges not
disqualified.

89. All the 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. Powers of
Act cumu-
lative.

A.D. 1913.

Crown
rights.

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

Costs of Act.

91. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of the district fund or out of both of them in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

A.D. 1913.

THE FIRST SCHEDULE.

SECTION OF THE ORDER OF 1890 AND THE ORDER OF 1898 EXEMPTED FROM REPEAL BY THE SECTION OF THIS ACT OF WHICH THE MARGINAL NOTE IS "REPEAL OF ORDERS OF 1890 AND 1898."

SECTION 59 OF THE ORDER OF 1890.

(1) At any time after the commencement of this Order the undertakers may with the consent of the Board of Trade from time to time by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications if any and for such period and upon such terms as may be specified therein and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the undertakers for the purposes of this Order.

Transfer of powers &c.

(2) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3) Every such advertisement shall contain the following particulars:—

- (A) The area in respect of which the transfer is proposed to be made;
- (B) The period for which the transfer is proposed to be made;
- (C) The rent or other pecuniary consideration in respect of the transfer;
- (D) A general description of the powers duties or liabilities of the undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and

A.D. 1913.

(E) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale :

And such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4) The undertakers may from time to time with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last-mentioned deed.

(5) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6) Any questions arising between the undertakers and the said company or persons respecting the resumption of the undertaking by the undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8) Nothing in this section shall affect any powers duties or liabilities of the undertakers which shall not be transferred by any such deed and the undertakers shall continue to have and be subject to such powers duties and liabilities if any.

SECTION 59 OF THE ORDER OF 1898.

(1) At any time after the commencement of this Order the undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities

Transfer of
powers &c.

and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order that company or person shall to the extent of the powers duties and liabilities so transferred be the undertakers for the purpose of this Order.

(2) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the undertakers in the town of Hove and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3) Every such advertisement shall contain the following particulars:—

- (A) The area in respect of which the transfer is proposed to be made;
- (B) The period for which the transfer is proposed to be made;
- (C) The rent or other pecuniary consideration in respect of the transfer;
- (D) A general description of the powers duties or liabilities of the undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and
- (E) The address of the office at which the copy of the draft deed is deposited for public inspection and at which printed copies of it are on sale:

And that advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4) The undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in the original deed of transfer.

(5) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the undertakers to resume the undertaking as from such day as may be

A.D. 1913. fixed by the order and from and after the said day the powers duties and liabilities of the company or person as undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6) Any questions arising between the undertakers and the said company or person respecting the resumption of the undertaking by the undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the undertakers for public inspection at their principal office in the town of Hove and supplied to any person demanding them at a price not exceeding sixpence for each copy and in case of any default herein the undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8) Nothing in this section shall affect any powers duties or liabilities of the undertakers which shall not be transferred by any such deed and the undertakers shall continue to have and be subject to such powers duties and liabilities if any.

THE SECOND SCHEDULE.

LANDS FOR GENERATING STATIONS.

A piece of land in the parish and borough of Hove containing 34 poles 12 yards or thereabouts situate on the north side of Davigdor Road at its junction with Holland Road bounded on the north by the London Brighton and South Coast Railway on the south by Davigdor Road aforesaid and on the west by Holland Road aforesaid and on the east by Messrs. Hunt Son and Blanchard's warehouse.

A piece of land in the parish of Aldrington in the borough containing 3 acres 1 rood 10 poles 2 yards or thereabouts together with the three houses known as Nos. 5 and 7 Leighton Road and 49 Prinsep Road thereon situate at the rear of premises in Leighton Road bounded on the north partly by land attached to St. Joseph's Home belonging to the Little Sisters of the Poor and partly by land belonging to George Tidey on the south by the London Brighton and South Coast Railway on the west by land the property of Baron Sackville and on the east by the rear of houses on the west side of Leighton Road.

THE THIRD SCHEDULE.

A.D. 1913.

AREA OF SUPPLY.

The borough of Hove.

THE FOURTH SCHEDULE.

MAXIMUM PRICES.

In this schedule—

The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

SECTION 2.

Where the undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the undertakers under the Board of Trade regulations.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

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