



CHAPTER lviii.

An Act to authorise the urban district council of West A.D. 1913.
Bridgford to provide and work motor omnibuses and
to make further and better provision for the improve-
ment and local government of the district and for other
purposes. [15th August 1913.]

WHEREAS the urban district of West Bridgford in the
county of Nottingham (in this Act called "the district")
is an urban district within the meaning of the Local Govern-
ment Act 1894 and is under the management and control of
the West Bridgford Urban District Council (in this Act called
"the Council"):

And whereas it is expedient to authorise the Council to
provide and work motor omnibuses within the district and as
far as the tramway terminus of the corporation of Nottingham
at Trent Bridge in the city of Nottingham:

And whereas it is expedient to make further provision in
regard to the streets and buildings in the district and that the
powers of the Council in relation to the health local government
and improvement of the district be enlarged as by 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 the following adoptive Acts are in force within
the district namely:—

The Private Street Works Act 1892;

The Public Health Acts Amendment Act 1890:

[Price 2s. 9d.]

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And whereas by an order of the Secretary of State for the Home Department dated the thirtieth day of May one thousand nine hundred and twelve certain sections of Part VII. and the whole of Parts VIII. and IX. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district:

And whereas by an order of the Local Government Board dated the seventeenth day of July one thousand nine hundred and twelve certain sections of Parts II. III. IV. and X. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district subject to certain conditions and adaptations specified in the said order:

And whereas an estimate has been prepared by the Council for the purpose hereinafter mentioned and such estimate is as follows:—

For the provision of and running of omnibuses £5,000:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the consent of the Local Government Board has been obtained:

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

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the West Bridgford Urban District Council Act 1913.

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

Part I.—Preliminary.

Part II.—Motor Omnibuses.

Part III.—Streets Buildings Sewers and Drains.

Part IV.—Infectious Disease and Sanitary Provisions.

Part V.—Financial.

Part VI.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement) so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

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Incorporation of Acts.

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 this Act unless the subject or context otherwise requires—

Interpretation.

“The district” means the urban district of West Bridgford;

“The Council” means the urban district council of the district;

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

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

“The omnibus undertaking” means the omnibus undertaking of the Council by this Act authorised;

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

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans

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Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

PART II.

MOTOR OMNIBUSES.

Power to
provide and
run motor
omnibuses.

5.—(1) The Council may provide (but shall not manufacture) motor omnibuses and may run the same within the district and over Trent Bridge as far as the tramway terminus of the corporation of Nottingham at Trent Bridge in the city of Nottingham demanding and taking such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade.

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

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(3) The Council may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses. Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Council shall perform in respect of the motor omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(6) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

6. The following provisions for the protection of the county council of the county of Nottingham (in this section called "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing apply and have effect (that is to say):—

For protec-
tion of Not-
tinghamshire
County
Council.

(a) The Council shall subject as hereinafter provided pay to the county council an annual sum equal to three-eighths of a penny per car mile run by the motor omnibuses over any main road towards the cost of the maintenance by the county council of such road. All sums of money payable to the county council under the provisions of this section shall be deemed to be a debt due to the county council and recoverable from the council accordingly:

(b) The Council shall keep statements for the purposes of this section showing in proper detail the mileage run by each motor omnibus on any such main road and shall furnish copies of such statements annually to the county council and the Council shall allow any person duly authorised by the county council in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept

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by the Council relating to the running of all such motor omnibuses :

- (c) In consideration of the payments to be made by the Council to the county council under this section the county council shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Council in respect of extraordinary traffic by reason of the user of any main road by the motor omnibuses of the Council by this Act authorised.

For protec-
tion of cor-
poration of
Nottingham.

7. Notwithstanding anything in this Act contained the following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Nottingham (hereinafter respectively called "the city" and "the corporation") shall apply and have effect unless otherwise agreed in writing between the council and the corporation (that is to say):—

- (1) Not more than one motor omnibus shall be allowed to run over Trent Bridge at one time :
- (2) The place or places at which the motor omnibuses stop within the city shall be such as may be agreed to between the corporation and the Council or failing agreement as may be determined by arbitration under this section :
- (3) The corporation shall grant free of charge to the Council such licences as may be necessary or proper to enable the Council to run motor omnibuses in accordance with the provisions of this Act over Trent Bridge as far as the existing tramway terminus of the corporation at Trent Bridge in the city :
- (4) If any difference shall arise between the Council and the corporation under this section the same shall be referred to arbitration under the provisions of the Arbitration Act 1889.

PART III.

STREETS BUILDINGS SEWERS AND DRAINS.

Council may
define future
line of
streets.

8.—(1) When any street or road in the district repairable by the inhabitants at large is in the opinion of the Council

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(2) The Council may and if required so to do by the owner shall purchase 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 Council 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 Council 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 Council 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 Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council 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.

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

Continuation
of existing
streets to be
deemed new
streets.

9. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

No building
allowed
until street
defined.

10.—(1) No person except with the consent of the Council 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.

(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.

Further
provisions as
to new
streets.

11. When a road or lane within the district is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is about to be built on the Council may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force within the district require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road or lane shall be built on the Council shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Council.

Notice of
name of new
street.

12.—(1) Before any name is given to any street notice of the intended name shall be given to the Council and the Council may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street until the expiration of one month after notice thereof has been given as aforesaid to the Council or to set up any name objected to as aforesaid. Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Any person aggrieved by any objection of the Council under this section may appeal to a court of summary jurisdiction within seven clear days after the service of notice of objection by the Council provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every notice of objection by the Council under this section. A.D. 1913.

13. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Council and in case the Council for a space of one month after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof 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 The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence. Elevation of buildings erected on front lands to be subject to approval of Council.

14.—(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 Council 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 Council may themselves carry out the requisition of their notice doing no unnecessary damage. Trees or shrubs overhanging streets and footpaths.

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(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to 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 Council under this section.

Courts to be
flagged.

15. The owner or owners of the premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging asphalt concrete paving and drain in good repair If such owner or owners shall for one month after notice in writing from the Council fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

Means of
escape from
buildings in
case of fire.

16.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on 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 as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(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 sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

(4) Any person offending 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. A.D. 1913.

17. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the district regulating the construction of buildings the Council shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say) :—

As to buildings of iron steel or reinforced concrete.

(1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Council accompanied by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Council :

(2) The Council if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars :

(3) The Council may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Council and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

18. The Council may make byelaws with respect to the following matters (viz.) :—

Power to make bye-laws.

(1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in

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existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united:

(3) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Council if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Council may approve:

(4) The testing of drains of new buildings.

Erection of buildings to greater height than adjoining buildings.

19.—(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 buildings so erected or raised.

(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.

Area of habitable rooms.

20.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and twenty square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

(3) 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.

Sanitary conveniences for workmen engaged on buildings.

21.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the district shall where practicable provide to the reasonable

satisfaction of the Council and until the completion of any such work or operation sufficient water or other closets and urinals. A.D. 1913.

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

22.—(1) The Council may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

Separate
sewers for
surface
water and
sewage may
be required.

(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly. Provided that the provisions of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

(3)—(a) Where in any street separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Council.

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

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such

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A.D. 1913. premises in order to keep separate the sewage and surface water drainage thereof and the Council may if they think fit make all such alterations.

Council may order houses to be drained by a combined drain.

23.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by them.

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

24. The powers given by section 19 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.

Power to lay drains in private streets.

25. The Council 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 to be ascertained by and recovered before a court of summary jurisdiction.

Council may make communication

26. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall

be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

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between
drains and
sewers.

27.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws of the Council relating to the drainage of existing buildings.

Reconstruc-
tion of
drains.

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

28.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the surveyor 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.

Notice of
intention to
repair
drains.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Council authorised in writing by him for the purpose of inspection.

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

29.—(1) If a watercloset 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.

Improper
construction
or repair of
watercloset
or drain.

(2) 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

A^dD. 1913^r 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.

Wilful damage to drains water-closets &c.

30.—(1) If any person causes any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Watercourse not to be covered in except in accordance with approved plan.]

31.—(1) Before the owner of any land within the district shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Council may subject as hereinafter provided require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse :

Provided that—

(a) No requirement of the Council under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted :

(b) If with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council.

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(2) If any difference shall arise between the Council and such owner as to the expediency necessity or otherwise of the works required by the Council to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

32. Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Watercourse
choked up
to be a nuisance under
Public
Health Act
1875.

33. The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the district of such dimensions and in such positions as they may from time to time determine.

Street or-
derly bins.

34. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council 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 Council 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
occupiers
refusing
execution of
Act.

A.D. 1913. **35.** 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.

Saving as to railway companies.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

36. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds or milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the district for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Provisions as to retailers of milk.

37. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Compensation to dairy-men.

38. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Compensation to persons ceasing employment.

39.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from a dangerous infectious disease shall on the application of 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

Information to be furnished to medical officer and penalty for furnishing false information.

the purpose of enabling measures to be taken to prevent the spread of the disease. A.D. 1913.

(2) Any occupier knowingly furnishing false information shall be liable on summary conviction 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.

40.—(1) It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district. Prohibition of blowing or inflating carcasses.

(2) Any person who shall offend against the provisions of subsection (1) of this section or shall expose or deposit for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

41.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the district— For regulating manufacture and sale of ice cream &c.

(a) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof 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 for every such offence upon summary conviction therefor 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

A.D. 1913. 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 Council shall compensate the owner of the ice cream commodity or materials so destroyed.

(3) 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 upon conviction to a penalty not exceeding forty shillings.

(4) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of a manufacturer or vendor of or merchant 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 as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable upon conviction to a penalty not exceeding forty shillings for each offence.

Removal of
body of per-
son dying of
infectious
disease.

42. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the district of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

43.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (Notification of infectious disease) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

A.D. 1913.
 ———
 Persons to
 furnish
 names of
 laundrymen
 to whom
 clothes &c.
 from
 infected
 houses sent.

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

44.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable galvanised 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 Council.

Regulation
 dustbins.

(2) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council 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 any 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.

45.—(1) At any time after the passing of this Act the Council may—

Slaughtering
 prohibited
 except in
 Council
 slaughter-
 houses when
 provided.

(A) Acquire by agreement any premises within the district used for the purpose of slaughtering cattle (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee and occupier of such premises :

(B) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of three years from the passing of this Act and after the Council have provided

A.D. 1913. adequate slaughter-house accommodation conveniently situated (to the satisfaction of the Local Government Board) and after the expiration of six calendar months from the date of publication by the Council in a local newspaper circulating in the district of notice to that effect no person shall slaughter in the way of trade any cattle within the district except in slaughter-houses provided by the Council but this shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided that nothing in this section shall prevent a farmer from slaughtering on land occupied by him for agricultural purposes only any cattle belonging to him with the consent of the Council or in case of emergency without such consent but no part of the carcase of any animal so slaughtered by a farmer shall be removed from the farm until after inspection by the medical officer or the inspector of nuisances such inspection to be made within a reasonable time.

(3) The Council shall pay compensation to the owner lessee and occupier of every slaughter-house who may be injuriously affected by the exercise of the above powers and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly.

(4) The fees and charges to be demanded and received by the Council in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Local Government Board and the Council may make byelaws accordingly Provided that the Council shall have power to charge for separate accommodation in any slaughter-house such weekly monthly or other rent as may be agreed upon by the Council and the renters.

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Board of Agriculture and Fisheries made or granted thereunder.

Public
notice to be
given of
provisions of
this Part of
Act.

46.—(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 district and by a notice affixed outside the

council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. A.D. 1913.

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

PART V.

FINANCIAL.

47.—(1) The Council 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):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For and in connection with the provision of motor omnibuses.	£ 4,000	Five years from the date or dates of borrowing.
(b) For the construction of buildings for the purposes of the motor omnibuses.	1,000	Thirty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Council 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 Board with whose consent it is borrowed.

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

As regards moneys borrowed for the purposes (a) and (b) and any money borrowed for the purposes of the omnibus undertaking of the Council the revenue of that undertaking and the district fund and general district rate:

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A.D. 1913. As regards moneys borrowed for the remaining purposes hereinbefore mentioned the district fund and general district rate.

The provisions of this subsection shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Section 234
of Public
Health Act
not to apply.

48. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application
of moneys
borrowed.

49. All moneys borrowed by the Council under this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Local Government Board determine.

Provisions
as to mort-
gages.

50. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases);

shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply to and in relation to all mortgages granted under the powers of this Act as if they were with necessary modifications re-enacted in this Act.

Protection of
lender from
inquiry.

51. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss or non-application of the money lent or of any part thereof.

Mode of
payment off

52. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly

or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing. A.D. 1913.
of money
borrowed.

53.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either— Sinking
fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of this Act of which the marginal note is “Power to use sinking fund instead of borrowing” be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part

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A.D. 1913. — thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments

to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed. A.D. 1913.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

54.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

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(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit

of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby. A.D. 1913.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

55.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of— Power to use sinking fund instead of borrowing.

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein ; or

(b) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund :

(b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the

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amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund :

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Power to
retain sell
&c. lands.

56. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Payment of
sale money
&c. to sink-
ing fund.

57. Unless the Local Government Board otherwise direct the Council shall pay into the sinking fund all such money being capital or in the nature of capital and not being wholly or in part otherwise appropriated or required to be otherwise applied as shall from time to time arise from any sale lease or other disposition of land or other property of the Council in respect of or for which any of the moneys have been borrowed under this Act and as shall from time to time arise from any other source under this Act.

58. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

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Council not
to regard
trusts.

59.—(1) The Council shall have power—

Power to re-
borrow.

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

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

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

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

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

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

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

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

Annual re-
turn to Local
Government
Board re-
specting
sinking fund.

60.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may

by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1913.

61. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for) shall be paid out of the district fund or general district rate. Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable. Expenses of executing Act.

62. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate. Rates may be amended to accord with new or supplementary valuation list.

63.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for fixed equated periods.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act. Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

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(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Power to
grant gratui-
ties in cer-
tain cases.

64.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

PART VI.

MISCELLANEOUS.

Power to
manufacture
slabs &c.
from de-
structor re-
fuse.

65. The Council may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor into slabs or blocks of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs blocks bricks concrete mortar or other materials so produced may be utilised by the Council for making and repairing streets or for any other purposes connected with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any sales thereof to the credit of the district fund.

66. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or of any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be *prima facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

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Evidence of appointments authority &c.

67. Where under this Act or under any general or local Act for the time being in force in the district the Council 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 and 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 Council.

68. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works for owner Council only liable for negligence.

69. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable

Expenses may be declared pri-

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A.D. 1913. from the owner or owners of any premises to be private
 vate im- improvement expenses and thenceforth those expenses may be
 provement recovered and shall be charged upon the premises in respect of
 expenses. which they were incurred in accordance with the provisions of
 section 257 of the Public Health Act 1875.

Authentica- 70.—(1) Where any notice or demand under this Act or
 tion and ser- under any local Act Provisional Order or byelaw for the time
 vice of being in force within the district requires authentication by the
 notices. &c. Council the signature of the clerk or other duly authorised
 officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required
 or authorised to be served under this Act or under any local
 Act Provisional Order or byelaw for the time being in force
 within the district may be served in the same manner as
 notices under the Public Health Act 1875 are by section 267
 (Service of notices) of that Act authorised to be served Provided
 that in the case of any company any such notice demand order
 or document shall be delivered or sent by post addressed to the
 secretary of the company at their registered office or at their
 principal office or place of business.

Confirma- 71. The provisions of the following sections of the Public
 tion of Health Act 1875 (namely):—
 byelaws.

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of
 byelaws);

Section 184 (Confirmation of byelaws);

Section 185 (Byelaws to be printed &c.); and

Section 186 (Evidence of byelaws);

so far as they relate to byelaws made by an urban sanitary
 authority shall apply to all byelaws made by the Council under
 the powers of this Act except byelaws made under Part II. of
 this Act.

Consent of 72. All consents given by the Council under the provisions
 Council to be of this Act shall be given in writing and unless otherwise
 in writing. prescribed shall be given under the hand of the clerk.

As to ap- 73. Any person deeming himself aggrieved by any order
 peal. judgment determination or requirement or the withholding of
 any certificate licence consent or approval of or by the Council
 or of or by any officer of the Council under the provisions of

this Act or by any conviction or order made by a court of summary jurisdiction under the provisions 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 and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal.

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74. Where under the provisions of this Act the Council 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 Council from 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.

Apportionment of expenses in case of joint owners.

75. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs 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 and 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 penalties &c.

76. 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.

Recovery of demands.

77. 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 by the Public Health Acts.

Compensation how to be determined.

78. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Council authorised in that behalf by the clerk.

Informations by whom to be laid.

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Penalties to
be paid over
to treasurer.

79. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Judges not
disqualified.

80. 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 rate.

Application
of certain
sections of
Public
Health Act
1875.

81. The provisions of section 102 (Power of entry of local authority) section 103 (Penalty for disobedience of order) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of Parts .III. and IV. of this Act as if those purposes had been mentioned in the said sections.

Saving for
indictments
&c.

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

Inquiries by
Local
Government
Board.

83.—(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 upon them or the giving of any consents under this Act and the inspectors of the Local Government Board 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 Council 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.

Powers of
Act cumulative.

84. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided)

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A.D. 1913. The SCHEDULE referred to in the foregoing Act.

FORM OF MORTGAGE.

By virtue of the West Bridgford Urban District Council Act 1913 and of other their powers in that behalf them enabling the West Bridgford Urban District Council (hereinafter called "the Council") in consideration of the sum of pounds paid to the treasurer of the Council by (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [on the day of and the day of in each year] And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

