



CHAPTER lxxxii.

An Act for empowering the Corporation of the city of Liverpool to make new streets to make better provision for the health local government and finance of the city to provide for the granting of superannuation allowances to certain officers and servants of the Corporation and for other purposes. [15th August 1913.] A.D. 1913.

WHEREAS it is expedient to empower the lord mayor aldermen and citizens (herein-after called "the Corporation") of the city of Liverpool (herein-after called "the city") to make the new streets in this Act described and for that purpose to acquire lands :

And whereas it is expedient to make further regulations with respect to streets and buildings and that the powers of the Corporation in relation to the health local government and finance of the city be enlarged as in this Act provided :

And whereas it is expedient that the terms of settlement of the action between the Attorney-General of His Majesty's Duchy of Lancaster on the relation of the mayor aldermen and burgesses of the borough of Chorley in the county of Lancaster and the Corporation should be confirmed as by this Act provided :

And whereas it is expedient to confer further powers upon the Corporation with regard to the establishment of a superannuation fund for the granting of superannuation and other allowances to certain officers and servants of the Corporation :

And whereas it is expedient to empower the Corporation to contribute sums of money to the Royal Infirmary the Liverpool Council of Voluntary Aid the Saint Paul's Eye Hospital and the new Accident Hospital at Garston :

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And whereas it is desirable to make such other provisions as this Act contains :

And whereas estimates have been prepared by the Corporation showing that they will or may require to borrow for the purpose of the new streets by this Act authorised (including the acquisition of lands) the sum of seventy-eight thousand pounds and it is expedient that the Corporation be authorised to borrow the said sum and also such other sums as are in this Act mentioned :

And whereas the 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 the objects of this Act cannot be attained without the authority of Parliament :

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

And whereas 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 promotion of the Bill has received the approval of the Local Government Board :

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 Liverpool Corporation Act 1913.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—New Streets.

- Part III.—Streets and Buildings.
- Part IV.—Sanitary Regulations and Infectious Disease.
- Part V.—Licensing and Registration.
- Part VI.—Miscellaneous.
- Part VII.—Superannuation.
- Part VIII.—Financial.
- Part IX.—Procedure.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) are except where expressly varied or otherwise provided for by this Act incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

4. In this Act unless there be something in the subject or context repugnant to such construction in and for the purposes of this Act terms to which a meaning is assigned by any of the Acts incorporated herewith or by the Public Health Act 1875 have (subject to the provisions of this Act) the same respective meanings And— Interpretation.

“The city” means the city of Liverpool;

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

“The council” means the council of the city;

“The town clerk” “the medical officer” “the inspector of nuisances” and “the treasurer” mean respectively the town clerk the medical officer of health the inspector of nuisances of the city and the city treasurer and controller and medical officer includes any person duly appointed by the Corporation to discharge temporarily the duties of a medical officer of health;

“The city engineer” means the officer appointed by the Corporation pursuant to the Public Health Acts and therein called the surveyor;

“Daily penalty” means a penalty for every day during which an offence is continued after conviction thereof;

“The Public Health Acts” means the Public Health Act 1875 and any Act amending the same;

“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

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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.

Execution of Act.

5. This Act shall be carried into execution by the Corporation acting by the council.

PART II.

NEW STREETS.

Power to make new streets.

6. Subject to the provisions of this Act the Corporation may make and maintain within the city in the lines and according to the levels shown on the deposited plans and sections the new streets herein-after described with all necessary or convenient approaches and they may enter upon take and use all or any of the lands in that behalf delineated on the said plans and described in the deposited book of reference (that is to say):—

In the parish of Walton—

(1) A new street commencing in Moss Lane at a point opposite the end of Matlock Avenue and terminating in Walton Vale at a point midway between Windsor Road and Warbreck Avenue:

In the parish of Wavertree—

(2) A new street commencing in Mossley Hill Road at a point midway between Elmsley Road and Sinclair Road and terminating at a point on the public footpath leading from Aigburth Vale to Ibbotson's Lane one hundred and seventy yards or thereabouts north of Park Avenue.

Power to deviate.

7. In the construction of the said new streets the Corporation may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

8. Subject to the provisions of this Act and within the limits of deviation defined upon the deposited plans the Corporation in connexion with and for the purposes of the new streets by this Act authorised may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the said new streets and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with such new streets and may stop up any street which they may consider unnecessary to retain or to throw into such new streets and may appropriate the site and soil of any street so diverted or stopped up :

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Power to
make sub-
sidiary works
and stop up
streets.

The site and soil of any street diverted or stopped up and appropriated by the Corporation under this section shall vest in the Corporation and all rights of way or other rights over the same shall thereupon be extinguished :

Provided that the Corporation shall not under the powers of this section stop up any street or appropriate the site and soil thereof unless the Corporation are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of such houses and lands may otherwise agree :

Provided also that the Corporation shall make full compensation to all parties interested in respect of any private rights extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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

Period for
compulsory
purchase of
lands.

10. And whereas in the construction of the new streets by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in

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the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken

by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

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

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

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

Application
of certain
provisions of
Liverpool
Corporation
Act 1900.

11. The provisions contained in the following sections of the Liverpool Corporation Act 1900 shall apply for the purposes of the execution of the provisions of this Part of this Act as if they were re-enacted in this Act (that is to say):—

Section 9 (Correction of errors &c. in deposited plans and book of reference);

Section 10 (Persons under disability may grant easements &c.);

Section 11 (Application of certain provisions of Improvement Act 1867);

Section 12 (Ground laid into streets to form part thereof); and

Section 16 (Proceeds of sale of surplus lands).

For protec-
tion of Lan-
cashire and
Yorkshire
Railway
Company.

12. In constructing the new street (No. 1) by this Act authorised where the same will affect the property of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall except so far as may be otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

(1) With respect to any land or property of the company which the Corporation are by this Act authorised to enter upon use or interfere with the Corporation may acquire and the company may and shall grant to the Corporation an easement or right of constructing and maintaining the said new street (No. 1) as and so far as the same is according to this Act to be constructed on the land or property of the company but save as aforesaid the Corporation shall not without the previous consent of the company in writing under their common seal take use enter upon or interfere with any land or property belonging to the company:

(2) The Corporation shall carry the new street (No. 1) over the Liverpool Ormskirk and Preston Railway of the company within the limits of deviation shown on the deposited plans by means of a bridge having two spans of twenty-eight feet four inches each measured on the square with a pier between such spans fifteen

feet wide measured on the square or such less width as the company may require and having a clear headway throughout each span of not less than fifteen feet from the upper surface of the rails as existing at the date of the commencement of such works to the underside of the girders :

- (3) The new street (No. 1) including the said bridge where the same will be made upon or across or will interfere with any land or property belonging to the company shall be constructed according to plans sections and specifications and of materials of a quality and strength to be previously submitted to and reasonably approved by the engineer of the company or in case of difference between him and the engineer of the Corporation by an arbitrator to be appointed as herein-after provided :

If the engineer of the company does not in writing approve or state his requirements in relation to the said plans sections and specifications within twenty-eight days after their submission to him a difference shall be deemed to have arisen between him and the engineer of the Corporation :

- (4) The Corporation shall maintain the bridge and works connected therewith carrying the new street (No. 1) over any land or property belonging to the company in substantial repair and good order and condition in accordance with the plans sections and specifications so approved as aforesaid to the reasonable satisfaction in all respects of the company and if and whenever the Corporation fail so to do the company may do in and upon the lands of the Corporation and their own lands all such works and repairs as may be reasonably requisite in that behalf and the reasonable amount of their expenditure in so doing shall upon demand be repaid to them by the Corporation :

- (5) The Corporation shall not in the execution maintenance or repair of the said new street and bridge remove or disturb any of the company's railways or sidings or any appliances in connexion with the working of their railway or obstruct or interfere with the free uninterrupted and safe user of any such railways or sidings or appliances as aforesaid or with the traffic on the railway :

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- (6) The Corporation shall to the reasonable satisfaction of the engineer of the company make any necessary alterations consequent upon the construction of the new street and bridge by this Act authorised to the private footpath of the company leading from Orrell Lane along the east side of the said Liverpool Ormskirk and Preston Railway to Warbreck Avenue:
- (7) During the construction of the said new street (No. 1) the Corporation shall to the reasonable satisfaction of the engineer of the company maintain a proper and sufficient access both for vehicular and pedestrian traffic to the Orrell Park passenger station of the company:
- (8) The Corporation shall on demand pay to the company the reasonable expense of the employment by the company during the execution or repair of the new street and bridge but only so far as such employment is necessitated solely by the execution or repair of the said street and bridge of such inspectors watchmen and signalmen to be appointed by the company as may be necessary for watching and signalling the railway and controlling the traffic thereon with reference to and during the execution or repair of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of the Corporation or of their contractors with reference thereto:
- (9) If by reason solely of the construction of the new bridge of the Corporation in substitution for the existing bridge carrying Orrell Lane over the railway it shall become necessary to add to or alter any signal-cabins signal-posts signals or other similar works on the railway of the company the company may make such additions and alterations and the reasonable expense thereof shall be repaid by the Corporation on demand and the additional cost of maintaining and working any such signal-cabins signal-posts or other similar works so added to or

altered as certified by the engineer of the company shall at the end of every half-year be repaid by the Corporation to the company : A.D. 1913.

- (10) If by reason of the execution or failure of any of the works of the Corporation or any act or omission of the Corporation or of their contractors or of any person in the employment of the Corporation or of their contractors any railway or siding or other work belonging to the company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the company may make good the same and the reasonable expenses thereof shall be repaid to the company by the Corporation on demand and notwithstanding anything in this Act contained the Corporation shall indemnify the company against all losses which the company may sustain and shall pay all costs charges and expenses which the company may be put to or incur by reason of the execution or failure of any of the works of the Corporation or any act or omission of the Corporation or their contractors or any person in the employment of the Corporation or their contractors :
- (11) In the event of any difference arising between the company and the Corporation under the provisions of this section the same shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

PART III.

STREETS AND BUILDINGS.

13. Subsection (7) of section 10 (Corporation may fix a line of frontage in existing streets) of the Liverpool Corporation (Streets and Buildings) Act 1908 shall be read and have effect as if the words "so much thereof as shall lie between the prescribed line of frontage and the street shall" were inserted before the word "be" where it last occurs in that subsection.

Amendment
of section 10
of Streets
and Build-
ings Act of
1908.

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—
Amendment
of section 12
of Streets
and Build-
ings Act of
1908.

14. The proviso to subsection (1) of section 12 (Intersecting streets) of the Liverpool Corporation (Streets and Buildings) Act 1908 is hereby repealed and that section shall be construed and have effect as if the following proviso had been substituted for the afore-mentioned proviso hereby repealed:

“Provided that this section shall not (so long as there is a street at each end of the land used for any of the purposes herein-after mentioned) prevent any land adjoining or abutting on either side of any street for a length not exceeding four hundred yards being used either (1) for the site of any one building or works with the outbuildings yard and approaches belonging thereto or (2) for the erection thereon of houses or groups of houses the unbuilt-on spaces between and at the ends of and appurtenant to which fronting to the street (excluding except with the consent of the Corporation any space less than nine feet in width) exceed forty-five feet in a length of one hundred and fifty yards of frontage to the street and so in proportion for any length greater or less than one hundred and fifty yards or (3) for gardens recreation grounds or other open spaces private or public.”

As to width
of certain
new streets.

15. Notwithstanding anything contained in any Act in force within the city or in any byelaws or regulations made thereunder new streets may be laid out of any width not less than twenty-four feet Provided that the following conditions are complied with:---

(A) The Corporation are satisfied that main lines of communication in the neighbourhood and connexion between such main lines of communication are sufficiently provided for; and

(B) The new street is to be situate on an estate or estates the owner or owners of which throughout the entire length of the new street agrees or agree as follows:—

(1) That not more than twenty houses to the acre (including the whole of the land given up for the purposes of a street) shall be erected on the estate or estates; and

(2) That the front of the houses to be erected in such new street shall be set back at least thirty feet from the centre line thereof or that the whole of the side of the new street opposite to the houses

erected or to be erected therein shall be and remain part of an open space to be approved by the Corporation; and

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(3) That the distance between the back of any house (not being at the corner of two streets) erected or to be erected on land abutting on the new street and the nearest point of any house erected or to be erected in the rear thereof shall be not less than fifty-four feet. Provided that if any house or block of houses is erected at the corner of two intersecting streets the distance between the back of such house or block and the end of any house or block erected in the rear thereof shall not be less than thirty-six feet; and

(4) That the space between the line thirty feet from the centre of the new street and the street shall not be used otherwise than as an open space except with the consent of the Corporation.

16.—(1) The Corporation may subject to such conditions as they think fit dispense with the observance of the byelaws as to open spaces in connexion with dwelling-houses in any case where not more than twelve houses to the acre are erected or to be erected or where one dwelling-house is erected or to be erected on a building site having a total area of not less four hundred square yards.

Relaxation of byelaws in certain cases.

(2) Any person who makes default in observing any such condition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

17. Notwithstanding anything contained in the Liverpool Sanitary Act 1846 and the Liverpool Corporation (General Powers) Act 1908 or any other local Act the Corporation may make byelaws with respect to the dimensions of rooms in the case of dwelling-houses on estates on which not more than twelve houses to the acre are erected or to be erected and of any dwelling-house erected or to be erected on a building site having a total area of not less than four hundred square yards.

Byelaws as to dimensions of rooms.

18.—(1) The Corporation may subject to such conditions as they think fit dispense with the observance of the provisions of section 62 (Of what materials houses shall be roofed) of the Liverpool Building Act 1842 in the case of any building not being a dwelling-house and distant not less than sixty feet from any dwelling-house.

Relaxation of requirements as to materials of roofs of buildings.

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(2) Any person who makes default in observing any such condition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to height of buildings.

19. Notwithstanding anything contained in any local Act section 157 of the Public Health Act 1875 in its application to the city shall be extended so as to empower the Corporation to make byelaws with respect to the height of buildings.

Means of escape from shops in case of fire.

20.—(1) Every new building exceeding thirty-five feet in height used or intended to be used as a shop in which building sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop shall be provided on the storeys the upper surface of the floor whereof is above twenty-two feet from the street level with such means of escape in the case of fire for the persons dwelling or sleeping therein as may be reasonably required by the Corporation 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.

(2) From and after the first day of January one thousand nine hundred and fourteen the Corporation in the case of every existing building exceeding thirty-five feet in height and used or intended to be used as a shop and in which building sleeping accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape therefrom in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required:

Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs:

Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection. A.D. 1913.

(3) For the purposes of this section the height of any building shall be measured from the street level to the highest part of the wall where the same terminates at the eaves.

(4) Nothing contained in this section 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.

(5) 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.

21.—(1) Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or otherwise to interfere with the free passage or comfort of passengers or to be dangerous to passengers along any street or to be dangerous to or interfere with any tramway telegraph telephone or other overhead wires situate in or over any public street 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 remove top or lop the tree hedge or shrub within seven days so as to prevent such obstruction interference or danger and in default of compliance with the notice may themselves carry out its requisitions doing no unnecessary damage Provided that the Corporation shall make compensation to any persons who may sustain damage by the exercise of the powers of this section in respect of any tree hedge or shrub which may be dangerous to or interfere with any such tramway telegraph telephone or other overhead wires. Trees &c.
overhanging
streets.

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

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

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(4) Section 79 (Trees or shrubs overhanging streets) of the Liverpool Corporation Act 1893 and section 39 (Extension of section 79 of Act of 1893) of the Liverpool Corporation (General Powers) Act 1908 are hereby repealed.

Saving for railway companies.

22. Nothing in this Part of this Act shall apply to any buildings (other than dwelling-houses) belonging to any railway company (including the Cheshire Lines Committee) and which are used as part of or in connexion with their railway under any Act of Parliament.

Saving for Mersey Docks and Harbour Board.

23. Nothing contained in this Part or in the next two succeeding sections of this Act or in any byelaws made thereunder shall be deemed to extend or apply to any part of the estate for the time being of the Mersey Docks and Harbour Board within the city or to any street works or buildings (except dwelling-houses) now or hereafter to be executed constructed or carried out on the said estate under any powers vested in the dock board or prejudice or affect any of the rights powers and privileges of the dock board.

PART IV.

SANITARY REGULATIONS AND INFECTIOUS DISEASE.

As to repair of private drains.

24. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost of not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the city engineer shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Corporation may allow houses to be drained by a combined drain.

25.—(1) If it appear to the Corporation 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 such houses the Corporation may when the drains of such houses are first laid order such houses to be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owner or owners of

such houses in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such proportions as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners summarily as a civil debt. A.D. 1913.

(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 Corporation 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 the Corporation except with the consent of the owner or owners of the said house.

26.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any commodity intended for the food of man or any premises where any such commodity is for the purposes of sale deposited or stored or in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein. Entry on premises used for storage of food &c.

(2) On any such inspection the said officer of the Corporation shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor.

27.—(1) From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the city in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale:— Sanitary regulations for premises used for sale &c. of food for human consumption.

(A) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room shop or other part of a building or shall communicate therewith except through the open air or through an intervening ventilated space:

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- (B) No cistern for supplying water to such room shop or other part of a building shall be in direct communication with and directly discharge into any such sanitary convenience :
- (C) No drain or pipe for carrying off faecal or sewage matter shall have any inlet or opening within such room shop or other part of a building :
- (D) No such room shop or other part of a building shall be used as a sleeping place and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid no sleeping place shall adjoin such room shop or other part of a building and communicate therewith except through the open air or through an intervening ventilated space :
- (E) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of trade or business :
- (F) Due cleanliness shall be observed in regard to such room shop or other part of a building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of a building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable on summary conviction to a fine not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

Byelaws as to premises used for manufacturing certain foods.

28. Notwithstanding anything contained in the last preceding section of this Act the Corporation may make byelaws for securing the clean condition of premises where potted or

preserved foods are manufactured or prepared for consumption by the public and the proper lighting ventilation and drainage thereof. A.D. 1913.

29. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for the food of man into any premises in which any food for man into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage pipe or in any other way with any such premises (except so far as such passage pipe or other connexion as the case may be are required or used for sanitary or other similar purposes and not in connexion with the manufacture or preparation herein-before mentioned) shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food for man. Prohibiting use of inedible fats in food.

30.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition. Penalty on original vendor of unsound food.

(2) Where any article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he prove that at the time

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of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the inspector of nuisances shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or inspector of nuisances of the intention of such medical officer or inspector of nuisances to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

(4) The Corporation shall forthwith after the passing of this Act give notice of the effect of the provisions of this section by advertisement in the principal local newspapers circulating in the city.

Amendment
of section 6
of General
Powers Act
of 1905.

31. Section 6 (Byelaws as to stables) of the Liverpool Corporation (General Powers) Act 1905 is hereby repealed and the Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about or arising out of any existing stable not being used as such at the time of the passing of this Act or in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Prohibition
on bringing
rats into
city.

32. No live rats shall be brought into the city from any ship in the port of Liverpool except for the purposes of the port sanitary authority and any person offending against this enactment shall on conviction be liable for each offence to a penalty not exceeding forty shillings.

Removal of
persons
suffering
from pul-
monary
tuberculosis
to hospital.

33.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that the lodging or accommodation with which such person is provided is such that proper precautions to prevent the spread of the infection cannot be taken or that such precautions are not being taken the medical officer may

make application to a court of **summary** jurisdiction and such court upon oral proof of the allegations in such certificate may if they think fit make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the city or within a convenient distance of the city and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order. A.D. 1913.

(2) The medical officer shall give the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion make good any probable financial loss falling upon the relatives of or those actually dependent upon any person so suffering occasioned by the removal of any such person to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the before-mentioned loss and shall not make an order unless they are satisfied that the Corporation will make good such loss.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper the order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The provisions of this section shall cease to be in force at the expiration of three years from the date of the passing

A.D. 1913. of this Act unless they shall have been continued by Act of Parliament or by 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.

For prevent-
ing spread
of infectious
disease.

34.—(1) Any parent or guardian having personal charge of a child in attendance at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings.

(2) If any person not less than sixteen years of age while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the disease in any street public place shop inn or any public conveyance or being in charge of any person so suffering wilfully exposes such sufferer he shall be liable to a penalty not exceeding five pounds.

(3) (A) The Corporation shall cause to be given public notice of the effect of the provisions of this section by advertisement in two newspapers published or circulating in the city and by handbills and otherwise in such manner as they think sufficient and this section shall come into operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Corporation may fix.

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

(4) The provisions of this section shall cease to be in force at the expiration of three years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by 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.

(5) In this section the expression "infectious disease" includes measles German measles whooping-cough and chicken-pox and the expression "school" includes a Sunday school.

35.—(1) Section 33 (Cleansing of children attending school and their clothing) of the Liverpool Corporation (General Powers) Act 1908 is hereby repealed and the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the city examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

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Cleansing of
children and
their cloth-
ing.

(2) If the person to whom any such notice as aforesaid is given fail to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter at his usual or last known residence.

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In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of such child whose person or clothing requires to be cleansed.

(6) For the purpose of this section the expression "child" means a person under the age of fourteen years.

Penalty for receiving in lodging-houses persons suffering from certain diseases.

36.—(1) A keeper of a common lodging-house or of a house let in lodgings who shall by any means direct or indirect induce any person or persons suffering from trachoma or any other contagious disease of the eye to become a lodger or lodgers in any such house shall be liable on summary conviction to a penalty not exceeding fifty pounds for a first offence or not exceeding one hundred pounds for a second or subsequent offence. Provided that when any person so suffering is received as a lodger at any such house as aforesaid the proof that such person was not induced to become a lodger as aforesaid shall rest with the party charged.

(2) The provisions of subsection (1) of this section (except the proviso thereto) shall extend to any other infectious or communicable disease to which it may be applied by an Order of the Local Government Board which Order that Board are hereby empowered to make.

(3) Forthwith after the passing of this Act the Corporation shall give notice of the provisions of this section to every keeper of a common lodging-house within the city and shall also give public notice of the said provisions by advertisement in two newspapers circulating in the city.

(4) This section shall not apply in respect of institutions of a charitable nature supported mainly by subscriptions from the public and not carried on for the purpose of profit or gain.

PART V.

LICENSING AND REGISTRATION.

Weight ticket or note on delivery of merchandise over two hundred-weight.

37.—(1) Where any coke or agricultural produce sold or represented to be sold as a load by weight and exceeding two hundredweight in quantity is delivered by means of any vehicle to a purchaser the seller of such coke or agricultural produce shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before or in the case of agricultural produce within forty-eight hours

after such load is discharged a ticket or note as nearly as may be according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect. A.D. 1913.

(2) Nothing in this section shall preclude the purchaser of a load of agricultural produce from agreeing to accept the tare weight as represented by or on behalf of the seller of the vehicle used for the delivery of such produce or preclude the tare weight so agreed from being inserted in and for the purposes of this section forming part of the ticket or note aforesaid.

(3) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke or agricultural produce delivered is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds:

Provided that the seller of agricultural produce shall not be so liable if default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note if he shall prove that such produce has been delivered by means of a vehicle hired by him for the purpose and that he has taken all reasonable steps to obtain a ticket or note for the purposes of and otherwise to comply with the requirements of this section.

(4) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

(5) For the purpose of this section "agricultural produce" means hay straw potatoes turnips mangel-wurzels or other agricultural produce and "vehicle" means any carriage cart waggon truck barrow or other means of carrying coke or agricultural produce by land in whatever manner the same be drawn or propelled but does not include a railway truck waggon or cart.

38. Section 38 of the Liverpool Corporation (General Powers) Act 1908 (Licensing keepers of weighing machines) shall be read and have effect as if the words "or who acts as a keeper of any such weighing machine" were inserted therein after the word "public" in subsection (6) of the said section. Amendment of section 38 of General Powers Act of 1908.

A.D. 1913.

Regulating
sale of coke.

39.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold offered or exposed for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures Provided—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation :

(B) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other

provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds. A.D. 1913.

(5) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected as far as such persons can reasonably be ascertained. A printed copy of the notice affixed outside the town hall sealed with the corporate seal shall be sufficient evidence that the provisions of this subsection have been complied with.

40. The provisions of sections 185 to 200 220 and 221 of the Liverpool Improvement Act 1842 as amended by any subsequent Act so far as they relate to hackney carriages shall extend and apply to all hackney carriages with taximeters affixed thereto kept or used for the purpose of being let on hire whether plying for hire or not and to the drivers thereof. Provisions as to vehicles with taximeters.

41.—(1) Every person who shall carry on for the purpose of private gain the trade or business of keeper of a concert theatrical or music hall employment agency shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose. Registration of theatrical agencies.

(2) The Corporation may make byelaws prescribing the books to be kept and the entries to be made therein and any other matter which the Corporation may deem necessary for the prevention of fraud or immorality in the conduct of such trade or business and for regulating any premises used for the purposes of or in connexion with such trade or business.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section hung up in a conspicuous place in the registered premises.

(4) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry

A.D. 1913. — into the registered premises for the purpose of inspecting the registered premises and the books required to be kept by such person.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as herein-after provided or acting in contravention of any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the court may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

(6) The Corporation shall give public notice of the provisions of this section by advertisement in two newspapers circulating in the city and by handbills and otherwise in such manner as they think sufficient.

PART VI.

MISCELLANEOUS.

Power to
commit
offender to
Main Bridewell.

42. It shall be lawful for any court of summary jurisdiction before whom any person shall be convicted of any offence and ordered to pay a fine not exceeding five shillings if the offender shall not immediately upon conviction pay the fine imposed with costs to commit him to the Main Bridewell for any time not exceeding three days unless such fine and all costs shall be sooner paid.

Power to
secure
offenders
whose names
and addresses
are not
known.

43. The provisions of section 341 (For securing offenders whose names and residences are not known) of the Liverpool Improvement Act 1842 shall extend and apply in respect of any offence against any byelaws made or to be made under section 71 of the Liverpool Improvement Act 1882 or any provision amending the same.

Confirming
terms of
settlement
with Chorley
Corporation.

44. Notwithstanding anything contained in any Act to the contrary the terms of settlement of the action between the Attorney-General of His Majesty's Duchy of Lancaster on the relation of the mayor aldermen and burgesses of the borough of Chorley in the county of Lancaster and the Corporation as set forth in the Second Schedule to this Act are hereby confirmed.

45.—(1) Notwithstanding anything contained in the Act 5 & 6 Vict. c. 88 intituled “An Act for the Administration of the Laws relating to the Poor in the Parish of Liverpool in the County of Lancaster” the Local Government Board shall have power in respect of such parish to make an order under section 33 of the Local Government Act 1894 conferring on the Corporation the power of appointing and revoking the appointment of assistant overseers and any such order shall take effect accordingly.

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Provisions as
to assistant
overseers
and rate
collection.

(2) If any such order shall be made the power of the Liverpool Select Vestry to appoint an assistant overseer or to appoint any other officer to collect the poor rate shall cease and if the Corporation shall thereafter for the purpose of a joint collection of rates require any of the officers being members of the collecting staff of the Liverpool Select Vestry to collect any rate levied by the Corporation together with the poor rate such officers shall in lieu of retaining their office be thereupon entitled to resign and entitled to compensation and so far as applicable the provisions of section 120 of the Local Government Act 1888 with the necessary modifications and with the substitution of the Local Government Board for the Treasury shall apply for the purpose of determining the amount of compensation which shall be payable by the Corporation.

(3) The Corporation are hereby empowered to pay any such compensation as aforesaid and also any compensation which it may at any time be expedient for them to pay in accordance with the provisions of the said section 120 in consequence of any scheme being put in force for the unification of rate collection in the city.

(4) If any officer being a member of the collecting staff of the Liverpool Select Vestry or of any union comprised or partly comprised within the city who retains his office is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform at the time when any scheme is put in force for the unification of rate collection in the city the Corporation shall pay him such additional remuneration as in the opinion of the Corporation the circumstances merit or as the Local Government Board may in the event of difference between the Corporation and such officer determine.

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Purchase of
lands for
housing
schemes.

46. The powers of the Housing of the Working Classes Act 1890 shall extend so as to enable the Corporation to purchase lands in anticipation of the making of a scheme by the Corporation under Part I. of that Act or of an order confirming such a scheme and to borrow money for that purpose under and subject to the provisions of section 25 of that Act as if that purpose were a purpose of Part I. of the Act. This provision shall be deemed to have come into operation as from the sixth day of November one thousand nine hundred and eleven.

Crown
rights.

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

PART VII.

SUPERANNUATION.

Definitions.

48. In this Part of this Act but subject to the provisions thereof unless there be something in the subject or context repugnant to such construction—

“Appointed day” means the first day of June one thousand nine hundred and thirteen;

“Officer or servant” means and includes—

(A) Any person who on the appointed day shall be an officer or servant in receipt of salary or wages and in the permanent and exclusive service of the Corporation (whether as a municipal urban sanitary or port sanitary authority) or of the city justices in an established capacity and who has been appointed in such capacity and service by a resolution of the Corporation or of the city justices as the case may be and who is not a contributor to the superannuation fund referred to in the Liverpool Corporation Act 1893 and any person who has been or shall after the appointed day be appointed an officer or servant as aforesaid;

(B) Any person who on the appointed day shall be an officer or servant in receipt of salary or wages in an established capacity and in the permanent and exclusive service of the Corporation or of the managers or trustees of (A) any public elementary school or (B) any school for higher education or any other

school which has been declared by resolution of the council to be under the control of the education committee of the council whether as a teacher or otherwise and who has been appointed an officer or servant in such capacity and service by resolution of such Corporation managers or trustees on or after the first day of June one thousand nine hundred and three and any person who after the appointed day shall have been or shall be so appointed an officer or servant as aforesaid ;

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(c) Any person who on the appointed day shall be an officer or servant in receipt of salary or wages in an established capacity and in the permanent and exclusive service of the Corporation or of the managers or trustees of (A) any public elementary school or (B) any school for higher education or any other school which has been declared by resolution of the council to be under the control of the said education committee whether as a teacher or otherwise and who has been appointed before the first day of June one thousand nine hundred and three an officer or servant in such capacity and service by resolution of such Corporation managers or trustees or by any authority formerly constituting the school board for the city or for any area now forming part of the city ;

(D) Any person who on the appointed day shall be an officer or servant in receipt of salary or wages in the permanent and exclusive service of the Corporation in an established capacity and who has been appointed an officer or servant in such capacity and service by resolution of the council or by any authority or body formerly constituting a burial authority within the city and whose powers shall before the appointed day have been transferred to the Corporation and any person who after the appointed day shall be so appointed an officer or servant by the Corporation acting as the burial authority ;

Provided that so far as relates to any officer or servant referred to in paragraph (D) of this section the thirtieth day of December one thousand nine

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hundred and fifteen shall (except for the purposes of the section of this Act of which the marginal note is "Actuarial investigation") be deemed to be the appointed day and any reference in this Part of this Act to the first day of June one thousand nine hundred and three shall be read as if the same were a reference to the thirtieth day of December one thousand nine hundred and five ;

Provided also that no officer or servant shall be deemed to be excluded from the foregoing definition of officer or servant by reason of his holding at any time with the consent by resolution of the Corporation which may and shall where circumstances require be retrospective in its operation any other appointment or office with any authority body or person other than the Corporation at the same time as he is in the service of the Corporation nor if the council so resolve by reason of his having held any such other appointment or office at the same time as he was in the service of the Corporation or of any such managers or trustees as aforesaid but no salary wages or emolument received by such officer or servant in respect of any such other appointment or office shall be taken into account for the purposes of this Part of this Act ;

"Transferred officer or servant" means and includes any such officer or servant as is mentioned in either paragraph (c) or paragraph (d) of the foregoing definition of officer or servant ;

"Former authority" means and includes any such authority body or person as is mentioned in either paragraph (c) or paragraph (d) of the foregoing definition of officer or servant ;

"Superannuation fund" means the superannuation fund provided for by this Part of this Act ;

"Salary or wages" means and includes all fees poundage and other payments made to any officer or servant as such for his own use also the money value of any apartments rations or other allowances in kind

appertaining to his office or employment in an established capacity but shall not include any payment made to any officer or servant in respect of any services (not being services comprised in his ordinary duties) performed by him in connexion with any evening or extra classes held under the authority of the Corporation as the local education authority nor any casual payments or gratuities or payments in respect of overtime made to any officer or servant nor any payment made at a rate less than a rate per week;

“Contributor” means any officer or servant contributing to the superannuation fund in accordance with the provisions of this Part of this Act;

“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 Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

49. For the purposes of this Part of this Act any officer or servant appointed by the council for the purpose of or in connexion with technical instruction in the city shall be deemed to have been an officer or servant or a transferred officer or servant as from such date and on such terms and conditions as in each case the council shall have determined by resolution passed before the passing of this Act or may determine by resolution passed within six months after the appointed day.

As to certain technical instruction officers.

50.—(1) Subject to the provisions of this Part of this Act—

Officers and servants to contribute.

(A) Every officer or servant (except a transferred officer or servant whose aggregate years of service with the Corporation and with any former authority shall on the appointed day exceed [ten years) shall as from

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the appointed day contribute annually to the superannuation fund a percentage amount of his salary or wages according to the following scale:—

In the case of an officer or servant under the age of twenty-five years not exceeding four per centum per annum on his salary or wages;

In the case of an officer or servant who has reached the age of twenty-five years but who is under thirty years of age not exceeding four-and-a-half per centum per annum on his salary or wages;

In the case of an officer or servant who is thirty years of age or more five per centum per annum on his salary or wages;

For the purposes of the foregoing provisions of this section the age of an officer or servant shall be deemed to be his age at the date in respect of which he first becomes a contributor to the superannuation fund and in the case of an officer or servant making as herein-after provided such payments to such fund as are herein-after referred to as back contributions the date in respect of which he shall make the first of such back contributions shall be deemed to be the date in respect of which he first becomes a contributor to the superannuation fund:

(B) Every transferred officer or servant whose aggregate years of service with the Corporation and with any former authority shall on the appointed day exceed ten years shall as from the appointed day contribute annually to the superannuation fund a percentage amount of his salary or wages according to the following scale:—

In the case of any such officer or servant with less than five years of such service on the first day of June one thousand nine hundred and three four per centum per annum on his salary or wages;

In the case of any such officer or servant with five or more and less than ten years of such service on the said first day of June four-and-a-half per centum per annum on his salary or wages;

In the case of any such officer or servant with ten or more and less than fifteen years of such service on the said first day of June five per centum per annum on his salary or wages;

In the case of any such officer or servant with fifteen or more and less than twenty years of such service on the said first day of June five-and-a-half per centum per annum on his salary or wages;

In the case of any such officer or servant with twenty or more and less than twenty-five years of such service on the said first day of June six per centum per annum on his salary or wages;

In the case of any such officer or servant with twenty-five or more and less than thirty years of such service on the said first day of June seven per centum per annum on his salary or wages;

In the case of any such officer or servant with thirty or more than thirty years of such service on the said first day of June eight per centum per annum on his salary or wages.

(2) The amount of any such percentage as is herein-before mentioned in this section shall be from time to time deducted by the Corporation from the salary or wages payable to any such officer or servant.

(3) No person who shall on the appointed day be an officer or servant shall be entitled to benefit from the superannuation fund unless within six months from the date of the service upon him of a certificate by the treasurer of the amount payable by him (or within such other period as may be permitted under the provisions of this section) he shall have paid to the superannuation fund such a sum (in this Part of this Act referred to as "back contributions") as shall be equal to the amount which he would have contributed thereto if the superannuation fund had been in existence and he had become a contributor to such fund as from the first day of June one thousand nine hundred and three or as from the date of his appointment as such officer or servant whichever be the later date at the rate specified in this Part of this Act and appropriate to the age of such officer or servant on the said first day of June or at the date of his appointment if he was appointed after that day or in the case of a transferred officer or servant whose aggregate years of service

A.D. 1913. — with the Corporation and with any former authority shall on the appointed day exceed ten years at the rate specified in this Part of this Act and appropriate to the number of years which such officer or servant had served with a former authority or to the aggregate number of years which he had served with a former authority and with the Corporation on the said first day of June together in every case with compound interest at the rate of three-and-a-half per centum per annum calculated by half-yearly rests upon his back contributions from the respective dates in respect of which the same or any parts thereof respectively are payable under the provisions of this Part of this Act:

Any such back contributions may with the sanction of the Corporation be made by instalments spread over such a period in excess of the said period of six months and on such terms and conditions and may be deducted by the Corporation from any salary or wages payable to such officer or servant at such times as the Corporation may determine:

Provided always that in the event of any contributor becoming entitled to a superannuation allowance under this Part of this Act before he shall have paid to the superannuation fund the whole of his back contributions he shall be entitled to a superannuation allowance equal to the amount of the superannuation allowance to which such contributor would have become entitled under this Part of this Act if the whole of such back contributions had been paid less an annual sum equivalent to twelve per centum of the amount of his back contributions then remaining unpaid and no further back contributions shall be payable by such contributor.

(4) Subject to the provisions of this Part of this Act every officer or servant having paid up all back contributions due from him thereunder shall on making the annual contributions to the superannuation fund to be made by him under this Part of this Act be entitled to benefits thereunder as if he had become a contributor thereto at the earliest date in respect of which such back contributions shall be paid or in the case of a transferred officer or servant whose aggregate years of service with the Corporation and with any former authority shall on the appointed day exceed ten years as if he had been in the service of the Corporation for the aggregate period for which he shall on the date on which he ceases to hold his office or employment have been in the service of the Corporation and of any former authority.

51. Subject to the provisions of this Part of this Act any contributor to the superannuation fund shall—

A.D. 1913.
Title to
superannua-
tion allow-
ance.

(A) If he has served not less than ten years and become unable to discharge the duties of his office with efficiency by reason of permanent ill-health or infirmity of mind or body; or

(B) If he has served not less than forty years and shall have attained the age of sixty years; or

(C) If he has served not less than ten years and shall have attained the age of sixty-five years;

be entitled on resigning or otherwise ceasing to hold his office or employment to receive during life out of the superannuation fund a superannuation allowance according to the scale laid down in this Part of this Act Provided that in no case shall any officer or servant be entitled to more than two-thirds of the average amount of his salary or wages during the five years ending on the day which immediately precedes the day on which he resigns or ceases to hold his office or employment.

52. Subject to the provisions of this Part of this Act the scale of superannuation allowances shall be as follows (that is to say):—

Scale of
superannua-
tion allow-
ances.

For an officer or servant who has served ten years an annual allowance equal to ten-sixtieths of the average amount of his salary or wages during the five years ending on the day which immediately precedes the day on which he resigns or ceases to hold his office or employment:

With an addition of one-sixtieth of such average amount for every additional completed year of service provided always that the maximum allowance shall not exceed forty-sixtieths of such average amount.

53. Where a person in receipt of superannuation allowance under this Part of this Act is appointed by the Corporation or by any authority body or person to any office or employment wherein his salary or wages shall be paid directly or indirectly out of any rate or rates or out of any public moneys such allowance shall (unless otherwise determined by the council) cease to be paid so long as he continues to hold such office or employment if the salary or wages thereof are equal to or in excess of the amount of such allowance but if such salary or wages are less than such

Case of
subsequent
appointment.

A.D. 1913. — amount then so long as he holds such office or employment only so much of such allowance shall be paid to such person as will make up the deficiency.

Any such person on ceasing to hold such office or employment shall be entitled to revert to and receive the full amount of his original superannuation allowance.

Return of contributions and grant of gratuities in certain cases.

54. Subject to the provisions of this Part of this Act a contributor who has not become entitled to a superannuation allowance—

- (A) Who loses his office or employment by reason of a reduction of staff or otherwise or ceases to hold his office or employment by reason of ill-health or bodily injury not occasioned by his own default; or
- (B) Who after having contributed in respect of at least ten years' service to the superannuation fund voluntarily resigns his office or appointment otherwise than to avoid dismissal; or
- (C) Who being a female discontinues her service on marriage at any period of her service

shall be entitled to receive from the superannuation fund a sum equal to the amounts of his contributions thereto with compound interest thereon at the rate of three-and-a-half per centum per annum calculated by half-yearly rests but if subsequently to making a claim and receiving payment under this section such officer or servant obtains a fresh office or employment under the Corporation such officer or servant shall not be entitled to reckon his services before obtaining such fresh office or employment for the purposes of a superannuation allowance or other benefit under this Part of this Act unless upon obtaining such fresh office or employment he repays to the fund the amount so received:

Provided that as regards its application to secondary teachers paragraph (B) of this section shall until such time as such teachers respectively are placed in such a position that they may in future become entitled to another pension as defined in the section of this Act of which the marginal note is "Officers and servants with other pensions" be read and have effect as if five years had been inserted therein instead of ten years.

Payments in case of death of officers or servants

55.—(1) In the case of any officer or servant contributing to the superannuation fund who shall die before becoming entitled to or receiving a superannuation allowance the Corporation

shall pay to the legal personal representative of such officer or servant the amount of his contributions to the superannuation fund with compound interest thereon at the rate of three-and-a-half per centum per annum calculated by half-yearly rests.

A.D. 1913.
before super-
annuation
and forfeiture
for miscon-
duct.

(2) In the case of an officer or servant who shall die before he shall have received by way of superannuation allowance an amount in the aggregate equal to the amount of his contributions to the superannuation fund with compound interest thereon calculated as aforesaid the Corporation shall pay to the legal personal representative of such officer or servant the difference between the amount which such officer or servant has received and the sum to which his contributions to such fund with such compound interest thereon calculated as aforesaid amounted at the date of his retirement.

(3) In the event of a contributor leaving the service and having been guilty of fraud dishonesty or misconduct he shall unless the council otherwise determine forfeit all benefits and have no claim upon the superannuation fund in respect of his contributions or otherwise.

56.—(1) The Corporation may make or pay to any officer or servant who shall by reason of his reaching the age of sixty-five years or otherwise retire from the service of the Corporation or of any such managers or trustees as are referred to in the section of this Act of which the marginal note is "Definitions" before becoming entitled to a superannuation allowance under the provisions of this Part of this Act a pension retiring allowance payment or gratuity of such amount or may add to or increase any superannuation allowance received out of the superannuation fund under this Part of this Act and on such terms and conditions as the Corporation may think fit but any such officer or servant who has been a contributor to whom any such pension retiring allowance addition to or increase of superannuation allowance payment or gratuity may be so made or paid shall (save as regards any superannuation allowance received out of the superannuation fund) thereupon relinquish any claim to any repayment of contributions or any other benefit from such fund.

Power to
pension cer-
tain officers
and servants.

(2) Any pension retiring allowance addition to or increase of superannuation allowance payment or gratuity made or paid by the Corporation under the provisions of this section shall be made or paid out of the city fund and general rate or out of such other funds rates revenues or accounts and in such proportion as the Corporation shall determine.

A.D. 1913.
—
Joint ap-
pointments.

57. In the case of persons holding or being appointed to a joint appointment as officers or servants the Corporation may determine the amount of contributions to be made to the superannuation fund by all or any of such persons or that only one or more of them shall contribute thereto and in any case in which a joint appointment is vacated by one of the holders of such appointment retiring or ceasing to hold his office or employment the council may determine the superannuation allowance or other benefit to be paid out of the superannuation fund in respect of such persons and whether the same shall be paid to one or more exclusively of the other or others of them and the proportions in which the same shall be paid to any persons so determined upon (if more than one) and the Corporation may generally determine the terms and conditions on which any such persons shall contribute to the superannuation fund and on which such allowance or benefit shall be made or paid to any such person.

Payments
into fund.

58. The Corporation shall carry to the credit of the superannuation fund—

- (A) All dividends and interest arising out of the investment or use of the superannuation fund or any part thereof:
- (B) (i) All amounts deducted from the salaries or wages of or paid by contributors under the provisions of this Part of this Act;
- (ii) Once in every six months an amount (herein-after referred to as "the normal contribution") which until the expiration of the year one thousand nine hundred and nineteen shall be at the rate of five per centum on the salaries or wages of contributors and after the expiration of that year at such rate as shall be certified by an actuary as herein-after provided; and
- (iii) Such annual amount (if any) (herein-after referred to as "the deficiency contribution") as shall be certified by an actuary as herein-after provided:

And all such amounts and payments shall be provided out of the same funds rates revenues or accounts as those upon which and charged and contributed in the same way as the salaries or wages in respect of which such contributions are made are charged.

59.—(1) So soon as practicable after the expiration of the year one thousand nine hundred and fourteen the condition of the superannuation fund shall be submitted by the Corporation to an actuary being a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland who shall consider the same and shall make an actuarial valuation of the fund and on the basis of such valuation shall certify whether any deficiency contribution is necessary so that the superannuation fund shall be solvent (having regard to the existing and prospective liabilities) and such deficiency contribution (if any) shall be calculated so as to cast upon the Corporation an equal annual charge for a period of sixty years from the end of the year one thousand nine hundred and fourteen.

A.D. 1913.
Actuarial
investigation.

(2) Once at least in every period of five years from the end of the year one thousand nine hundred and fourteen the condition of the superannuation fund shall be submitted to any such actuary who shall consider the same and shall make an actuarial valuation of the fund and on the basis of such valuation shall certify—

- (i) The rates of contribution of officers and servants ;
- (ii) What proportion in his opinion the normal contribution of the Corporation should bear to the total salaries and wages of contributors ;

so that the superannuation fund shall be solvent (having regard to the existing and prospective liabilities) and for the next quinquennial period the rates of contribution of officers and servants contributing to the fund and the normal contribution shall be as so certified. Provided that the rates of contributions of officers and servants shall not be less than the maximum rates specified in this Part of this Act so long as any deficiency contribution is payable by the Corporation or so long as the normal contribution is equal to or in excess of five per centum on the salaries and wages of contributors and shall not at any time exceed such maximum rates.

(3) Two copies of each valuation and certificate of any actuary made under the provisions of this section shall be forwarded to the Local Government Board.

60. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of the superannuation fund and not for the time

Use and
investment
of moneys
forming
fund.

A.D. 1913. — being required for payments to be made under this Part of this Act subject to the following conditions:—

- (A) The moneys so used shall be repaid to the superannuation fund within the period by the methods and out of the fund rate revenue or account within by and out of which a loan raised under the statutory borrowing power would be repayable;
- (B) Interest shall be paid to the superannuation fund on all moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate revenue or account which would be applicable to the payment of interest on a loan raised under the statutory borrowing power; and
- (C) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised on mortgage in exercise of the power and the particulars of the exercise of the power by such use shall be entered accordingly in the mortgage register kept by the Corporation.

Notice of provisions of this Part of Act to officers and servants.

61.—(1) (A) As soon as may be after the passing of this Act a copy of the provisions of this Part of this Act shall be sent or delivered to each person who shall be an officer or servant at the date of the passing of this Act.

(B) Any such officer or servant at any time within three months after a copy of the provisions of this Part of this Act shall have been sent or delivered to him as provided by this section may give notice in writing to the Corporation of his intention not to avail himself of those provisions and in that event it shall not be obligatory on him to make any contributions or submit to any deduction from his salary or wages under this Part of this Act nor shall he be entitled to receive any superannuation allowance gratuity or other benefit under this Part of this Act.

(2) A copy of the provisions of this Part of this Act shall as soon as may be after his appointment be sent or delivered to

every officer or servant who may be appointed subsequently to the passing of this Act. A.D. 1913.

62.—(1) In the application of the provisions of this Part of this Act to any officer or servant to whom the Elementary School Teachers (Superannuation) Act 1898 applies such provisions shall be regarded as complementary and the contributions of the Corporation and the contributions and benefits to be made and received thereunder by any such officer or servant shall be calculated as if the salary or wages of such officer or servant for each year were such part of that salary or wages as remains after deducting therefrom the sum of one hundred and thirty-two pounds in the case of each such male officer or servant and one hundred pounds in the case of each such female officer or servant. As to
teachers.

(2) If at any time hereafter by reason of the passing of any public Act of Parliament or otherwise out of moneys provided by Parliament the annual payments to be made to any such officer or servant on the expiration of his certificate by way of deferred annuity or retiring allowance or pension or other similar payment from any other source than the superannuation fund are increased the Corporation shall by an amending resolution make such provision as shall be necessary to meet the altered circumstances. Any such resolution shall for the purposes of contributions to the superannuation fund reduce proportionately the part proportion or amount of the salary or wages (if any) of such officer or servant in respect of which such contributions are made by the Corporation and such officer or servant respectively and shall reduce the superannuation allowance to be paid to such officer or servant under this Part of this Act and shall also provide for the repayment to such officer or servant from the superannuation fund of such portion as may seem equitable to the Corporation of the past contributions thereto of such officer or servant with compound interest thereon at the rate of three-and-a-half per centum per annum calculated by half-yearly rests and such portion of such past contributions with interest as aforesaid shall thereupon be repaid from such fund to such officer or servant accordingly.

(3) If at any time during his service any such officer or servant is placed in such a position that he may in future receive from any other source than the superannuation fund a retiring allowance or pension or other similar payment the Corporation may at any time by an amending resolution make such provision

A.D. 1913.

as shall be necessary to meet the circumstances Any such resolution shall for the purposes of contributions to the superannuation fund reduce proportionately the part proportion or amount of the salary or wages (if any) of such officer or servant in respect of which such contributions are made by the Corporation and such officer or servant respectively and shall reduce the superannuation allowance to be paid to such officer or servant under this Part of this Act and shall also provide for the repayment to such officer or servant from the superannuation fund of such portion as may seem equitable to the Corporation of the past contributions thereto of such officer or servant with compound interest thereon at the rate of three-and-a-half per centum per annum calculated by half-yearly rests and such portion of such past contributions with interest as aforesaid shall thereupon be repaid from such fund to such officer or servant accordingly Provided always that if the retiring allowance pension or other similar payment which such officer or servant may in future receive from such other source is in the opinion of the Corporation likely to be equal to or in excess of that to which in the absence of such allowance pension or other payment he would in similar circumstances have become entitled from the superannuation fund he shall cease to be a contributor and to be liable to contribute thereto and such officer or servant shall thereupon be entitled to receive from the superannuation fund a sum equal to the amount of his contributions thereto with compound interest thereon at the rate of three-and-a-half per centum per annum calculated by half-yearly rests but to no other benefit therefrom and the Corporation shall cease to be liable to make any contribution thereto in respect of such officer or servant.

(4) No part of any benefit or superannuation allowance received by any such officer or servant as is mentioned in this section from the superannuation fund shall be deemed to be paid out of or received from public money within the meaning of the Elementary School Teachers (Superannuation) Act 1898 or any rules made thereunder or otherwise.

Officers and servants with other pensions.

63. If at any time during his service any officer or servant (other than a teacher to whom the Elementary School Teachers (Superannuation) Act 1898 applies) is placed in such a position that he may in future become entitled from any other source than the superannuation fund to a retiring allowance or pension or other similar payment (in this section called "other pension") the Corporation may at any time by an amending resolution

make such provision as shall be necessary to meet the circumstances Any such resolution shall for the purposes of contributions to the superannuation fund reduce proportionately the part proportion or amount of the salary or wages of such officer or servant in respect of which such contributions are made by the Corporation and such officer or servant respectively and shall reduce the superannuation allowance to be paid to such officer or servant under this Part of this Act and shall also provide for the repayment to such officer or servant from the superannuation fund of such portion as may seem equitable to the Corporation of the past contributions thereto of such officer or servant with compound interest thereon at the rate of three-and-a-half per centum per annum calculated by half-yearly rests and such portion of such past contributions with interest as aforesaid shall thereupon be repaid from such fund to such officer or servant accordingly Provided always that if the other pension which such officer or servant may in future receive is in the opinion of the Corporation likely to be equal to or in excess of the superannuation allowance to which in the absence of such other pension he would in similar circumstances have become entitled from the superannuation fund such officer or servant shall cease to be a contributor and to be liable to contribute to such fund and shall thereupon be entitled to receive from the superannuation fund a sum equal to the amount of his contributions thereto with compound interest thereon at the rate of three-and-a-half per centum per annum calculated by half-yearly rests but to no other benefit therefrom and the Corporation shall cease to be liable to make any contribution to such fund in respect of such officer or servant.

A.D. 1913.

64. At the end of each financial year the surplus of the annual income of the superannuation fund above the expenditure thereout shall be invested in statutory securities or be used in the manner herein-before provided and the income thereof paid into that fund.

Investment
of surplus
income.

65.--(1) The Corporation shall send to the Registrar under the Friendly Societies Act 1896 a copy of each certificate and report made in pursuance of either of the sections of this Act of which the marginal notes are "Actuarial investigation" and "Saving for certain officers and servants."

Returns to
Registrar of
Friendly
Societies.

(2) The Corporation shall send annually to the said Registrar a copy of the city treasurer's accounts relating to the superannuation fund as audited by the city auditors.

A.D. 1913.

Inspection
and copies of
accounts.

66. Any contributor may at all reasonable times inspect the accounts of the superannuation fund as appearing in the city treasurer's accounts and audited as aforesaid and any report of an actuary made in pursuance of either of the sections of this Act of which the marginal notes are "Actuarial investigation" and "Saving for certain officers and servants" and the Corporation shall on the application of any contributor furnish him with a copy of the last annual accounts of the superannuation fund as so audited.

Saving for
certain
officers and
servants.

67.—(1) The foregoing provisions of this Part of this Act shall be without prejudice to and shall not be deemed to affect any officer or servant who is in the service of the Corporation (whether as a municipal urban sanitary or port sanitary authority) or the city justices on the appointed day and who is a contributor to the superannuation fund referred to in the Liverpool Corporation Act 1893 and every such officer or servant shall be entitled to contribute to that superannuation fund and to receive a superannuation allowance in accordance with the provisions of that Act.

(2) As from the appointed day the Corporation shall carry to the credit of the superannuation fund before mentioned in this section—

(A) All dividends and interest arising out of the investment or use of the superannuation fund or any part thereof:

(B) (i) All amounts deducted under the provisions of this Part of this Act from the salaries or wages of contributors;

(ii) An annual amount (herein-after referred to as "the ordinary contribution") which until the expiration of the year one thousand nine hundred and nineteen shall be at the rate of five per centum on the salaries or wages of contributors and after the expiration of that year at such rate as shall be certified by an actuary as herein-after provided;

(iii) Such annual amount (if any) (herein-after referred to as "the solvency contribution") as shall be certified by an actuary as herein-after provided:

And all such amounts and payments shall be provided out of the same funds rates revenues or accounts as those upon which and

charged and contributed in the same way as the salaries or wages in respect of which such amounts and payments are credited or made are charged. A.D. 1913.

(3) So soon as practicable after the expiration of the year one thousand nine hundred and fourteen the condition of the superannuation fund referred to in this section shall be submitted by the Corporation to an actuary being a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland who shall consider the same and shall make an actuarial valuation of such fund and on the basis of such valuation shall certify whether in addition to the contributions of the officers and servants contributing to such fund and the ordinary contribution of the Corporation thereto any solvency contribution is necessary so that the superannuation fund shall be solvent (having regard to the existing and prospective liabilities) and such solvency contribution (if any) shall be calculated so as to cast upon the Corporation an equal annual charge for a period of sixty years from the end of the year one thousand nine hundred and fourteen.

(4) Once at least in every period of five years from the end of the year one thousand nine hundred and fourteen the condition of such superannuation fund shall be submitted to any such actuary who shall consider the same and shall make an actuarial valuation of such fund and on the basis of such valuation shall certify what proportion in his opinion the ordinary contribution of the Corporation should bear to the total salaries and wages of contributors to such superannuation fund so that such fund shall be solvent (having regard to the existing and prospective liabilities) and for the next quinquennial period the ordinary contribution shall be as so certified.

(5) Two copies of each valuation and certificate of an actuary made under the provisions of this section shall be forwarded to the Local Government Board.

(6) The provisions of this Part of this Act shall not extend to any officer or servant who shall be entitled to superannuation under the Police Act 1890 or under the rules of the Liverpool Corporation Tramways Benefit Society.

68. Every superannuation or other allowance or pension granted under this Part of this Act or under the Liverpool Improvement Act 1882 or the Liverpool Corporation Act 1893 shall be payable to or in trust for the officer or servant to

Allowance
not assign-
able.

A.D. 1913. — whom the same is granted and shall not be assignable or chargeable with the debts or liabilities of such officer or servant without the consent of the Corporation under their seal.

Application of Arbitration Act 1889.

69. Any question which may arise as to the amount of any contribution to be made to any superannuation fund established by the Corporation or as to any right to or as to the amount of any superannuation allowance or benefit to be made or paid to any person having contributed to any such fund or to the legal personal representative of any such person shall in default of agreement be submitted to and determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

PART VIII.

FINANCIAL.

Power to contribute to Royal Infirmary.

70. The Corporation may out of moneys to be borrowed by them under the powers of this Act contribute a sum not exceeding five thousand pounds to the funds of the Royal Infirmary Liverpool for defraying the cost of the erection of a building for an out-patients' department in connexion with the said infirmary such sum to be paid so soon as the balance of the money necessary to complete the building to the satisfaction of the Corporation has been raised by the committee of the said infirmary:

Provided that in the month of January one thousand nine hundred and fourteen and in every subsequent year the Corporation may appoint a representative to be a member of the general committee of the said infirmary and to hold office until the appointment of his successor and in the event of any member so appointed dying resigning or retiring during the period for which he has been appointed the Corporation may appoint some other representative to be a member of such committee for the remainder of the period for which the member so dying resigning or retiring was appointed.

Power to contribute to Liverpool Council of Voluntary Aid.

71. The Corporation may out of the general rate contribute annually a sum not exceeding three hundred pounds to the funds of the Liverpool Council of Voluntary Aid.

Power to contribute to Saint Paul's Eye Hospital.

72. The Corporation may out of the moneys to be borrowed by them under the powers of this Act contribute a sum not exceeding one thousand seven hundred and fifty

pounds towards the building fund of the Saint Paul's Eye Hospital in Old Hall Street such sum to be paid so soon as the balance necessary to complete the building of the said hospital has been raised by the trustees thereof: .

A.D. 1913.

Provided that in the month of January one thousand nine hundred and fourteen and in every subsequent year the Corporation may appoint a representative to be a member of the general committee of the said hospital and to hold office until the appointment of his successor and in the event of any member so appointed dying resigning or retiring during the period for which he has been appointed the Corporation may appoint some other representative to be a member of such committee for the remainder of the period for which the member so dying resigning or retiring was appointed.

73. The Corporation may out of moneys to be borrowed by them under the provisions of this Act contribute a sum not exceeding seven thousand five hundred pounds towards the cost of the erection and equipment of a new accident hospital within the district of Garston such sum to be paid as soon as the balance of the money necessary to complete the building to the satisfaction of the Corporation has been raised by the Garston Hospital Committee :

Power to contribute to Accident Hospital at Garston.

Provided that in the month of January one thousand nine hundred and fourteen and in every subsequent year the Corporation may appoint a representative to be a member of the general committee of the said hospital and to hold office until the appointment of his successor and in the event of any member so appointed dying resigning or retiring during the period for which he has been appointed the Corporation may appoint some other representative to be a member of such committee for the remainder of the period for which the member so dying resigning or retiring was appointed.

74. The Corporation may borrow for the following purposes the sums following (that is to say):—

Power to borrow.

- (A) For the purpose of the new streets by this Act authorised and the acquisition of lands any sum not exceeding seventy-eight thousand pounds;
- (B) For the purpose of contributing (subject to the provisions of this Act) towards the erection of a building for

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an out-patients' department in connexion with the Royal Infirmary any sum not exceeding five thousand pounds ;

- (c) For the purpose of contributing (subject to the provisions of this Act) to the rebuilding of the Saint Paul's Eye Hospital any sum not exceeding one thousand seven hundred and fifty pounds ;
- (d) For the purpose of contributing (subject to the provisions of this Act) towards the erection and equipment of a new Accident Hospital in Garston any sum not exceeding seven thousand five hundred pounds ;
- (e) For the payment of the costs charges and expenses of and incidental to obtaining this Act the sums required for the purpose :

And the Corporation shall pay off all moneys so borrowed within twenty years from the date or respective dates of borrowing the same other than moneys borrowed for the purpose (A) above mentioned which shall be paid off within forty years from the date or dates of borrowing and for the purpose (E) above mentioned which shall be paid off within five years from the date of the passing of this Act.

Further power to borrow with consent of Local Government Board.

75. The Corporation may with the sanction of the Local Government Board borrow such further moneys as the Corporation may require for any of the purposes of this Act other than the purposes (B) to (E) mentioned in the section of this Act of which the marginal note is "Power to borrow" and any moneys borrowed under this section shall be paid off within such periods as the said Board may sanction.

Mode of raising moneys and of repayment.

76. Any sum which the Corporation may borrow under or in pursuance of the powers of this Act may be raised by mortgage in manner provided by the Liverpool Corporation Act 1893 or by the issue of stock under the provisions of the Liverpool Corporation Loans Act 1894 and any Act amending the same or by the issue of Liverpool Corporation bills under the provisions of the Liverpool Corporation Act 1900 and any Act amending the same respectively.

The repayment of the moneys so borrowed shall be provided for by means of an accumulating sinking fund or by the

repayment of an equal portion of the principal every year (except where otherwise by this Act expressly provided) out of the general rate. A.D. 1913. —

77.—(1) The Corporation 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 fixing equated periods.

(2) No scheme made by the Corporation 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 Corporation stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation 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 Corporation 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.

78. Subsection (13) of section 32 (Provisions as to raising money by bills) of the *Liverpool Corporation Act 1900* shall be read and have effect as if the words "one million pounds" had been inserted therein instead of "five hundred thousand pounds." Power to increase amount of Corporation bills.

A.D. 1913.

Corporation
not to regard
trusts or
bound to see
to applica-
tion of
moneys.

79. The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan borrowed given or issued 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 shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Date for
payment of
composition
rates.

80.—(1) The owner of any premises in respect of which a composition for rates is payable under the provisions of section 68 (Composition for rates for premises not rated above thirteen pounds) of the Liverpool Improvement Act 1867 as applied and incorporated by section 37 (Application of provisions as to assessment levy &c.) of the Liverpool Corporation Act 1893 or under the provisions of section 47 (Assimilating provisions as to composition for water rates to provisions as to composition for other rates) of the Liverpool Improvement and Waterworks Act 1871 shall pay such composition for rates on or before the expiration of four months from the making of the rate in each year and in default thereof such owner shall be rated as in the said sections provided but upon the full net yearly rateable value of the premises :

Provided that notice in writing of the provisions of this subsection shall be given in each year to owners of the said premises who have not in that year paid composition for rates in respect thereof at least one month before the expiration of the said four months from the making of the said rate.

(2) The expression "owner" in the said Acts shall for the purposes of and with respect to the said composition of rates and the recovery thereof and for the purposes of this section include any person by whom (whether directly or ultimately) or on whose behalf the rent of the premises is received and it shall be lawful for the Corporation to take proceedings for the recovery of rates against any one or all of such persons either at the same or different times.

PART IX.

A.D. 1913.

PROCEDURE.

81. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority except that as regards confirmation of byelaws under the section of this Act whereof the marginal note is "Amendment of section 6 of General Powers Act of 1905" and inquiries in relation thereto the Board of Agriculture and Fisheries shall be included in addition to the Local Government Board and that as regards confirmation of byelaws under the section of this Act of which the marginal note is "Registration of theatrical agencies" and inquiries in relation thereto the Secretary of State shall be substituted for the Local Government Board.

General provisions as to byelaws.

82.—(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 the Board under the Public Health Act 1875.

Inquiries by Local Government Board.

(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.

83. 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 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 penalties &c.

84. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the

As to appeal.

A.D. 1913. Corporation or of or by any officer of the Corporation or by any conviction or order made by a petty sessional court under any provision of this Act may if no other mode of appeal is provided by this Act or by any other Act appeal to the next practical 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 petty sessional court the Corporation may in like manner appeal.

Costs of Act. **85.** The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons shall be paid by the Corporation out of the city fund and general rate or out of such other funds or rates and in such proportions as the Corporation shall determine.

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

THE FIRST SCHEDULE.

DESCRIPTION OF PROPERTIES WHEREOF PARTS ONLY ARE
PROPOSED TO BE TAKEN FOR PURPOSES OF ACT.

Nos. on deposited Plans.	Parish.	Description of Property.
1	Walton-on-the-Hill	House and garden.
2	"	House and garden.
2A	"	Garden.
3	"	Plot of land.
3A	"	Garden.
4	"	House and garden.
4A	"	Garden.
5	"	House and garden.
6	"	House and garden.
7	"	House and garden.
8	"	House and garden.
9	"	House and garden.
10	"	House and garden.
11	"	Garden.
11A	"	Railway (Orrell Lane).
13	"	House and yard.
16	"	Common passage.
24	"	House and yard.
38	"	House and yard.
43	"	Common passage.
44	"	House and yard.
83	"	Common passage.
85	"	Shop house and yard.
86	"	Shop house and yard.
88	"	Common passage.
105	Wavertree - -	Field.
106	" - -	Field.
107	" - -	Field.
108	" - -	Shrubbery.

A.D. 1913.

THE SECOND SCHEDULE.

1910. Letter A. No. 224.

In the Chancery of the County Palatine of Lancaster.

Manchester District.

BETWEEN The Attorney-General of His Majesty's Duchy
of Lancaster on the relation of the Mayor
Aldermen and Burgesses of the Borough of
Chorley in the County of Lancaster - - Plaintiff.
and
The Lord Mayor Aldermen and Citizens of the
City of Liverpool in the said County - - Defendants.

TERMS OF SETTLEMENT OF ACTION.

1. That the corporation of Liverpool shall supply to the borough of Chorley and the inhabitants thereof water sufficient for all purposes from the waterworks of the Liverpool Corporation at charges not exceeding those herein-after mentioned.

2. That the town clerk the medical officer of health the borough surveyor and the borough accountant of Chorley shall have access at all reasonable times to the waterworks of the Chorley Undertaking and all accounts books and documents of the Liverpool Corporation in connexion with the Chorley Undertaking with the right to take copies and extracts therefrom.

3. That the maximum scale of charges at present in force as against the inhabitants of Chorley for domestic purposes be adhered to viz. six pounds per centum on the annual rateable value of the premises supplied Provided always that in the event of the domestic water rent and water rate in Liverpool being reduced in the aggregate below one shilling in the pound a reduction of a proportionate amount shall be made from the Chorley domestic water rents.

4. That the charges for water for sanitary and trade purposes shall remain as at present.

5. That the Liverpool Corporation shall agree to a readjustment of the charges for baths and waterclosets in Chorley so as to make the charges fall more equitably on the respective householders Provided always that such readjustment shall not reduce the total revenue derivable by the Liverpool Corporation from supplies for baths and waterclosets.

6. That the Liverpool Corporation accept the surplus revenue of the Chorley water account in payment for any necessary additional water which may from time to time hereafter require to be taken from the Liverpool waterworks in order to give a sufficient supply to Chorley for all purposes. A.D. 1913.

7. That in future a copy of the accounts filed by the Liverpool Corporation with the clerk of the peace for the county of Lancaster under section 58 of the Chorley Waterworks Transfer Act 1856 be rendered yearly to the Chorley Corporation by the Liverpool Corporation.

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