



CHAPTER xcii.

An Act to authorise the mayor aldermen and burgesses of the borough of Derby to construct tramways and street works to make further provision in regard to their tramway water electricity and markets undertakings and the health local government and improvement of the borough to enable them to establish a fund for the granting of superannuation allowances to their officers and servants to provide for the simplification of the procedure in the Derby Borough Court of Record and for other purposes. A.D. 1913.

[15th August 1913.]

WHEREAS the borough of Derby is a municipal and county borough under the management and local government of the mayor aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation"):

And whereas in pursuance of powers conferred upon them by the Derby Corporation Tramways &c. Act 1899 and the Derby Corporation Act 1901 the Corporation have acquired and constructed and are working an extensive system of tramways in the borough and it is expedient to empower them to construct and work the additional tramways referred to in this Act and to confer further powers upon them in connexion with their tramway undertaking:

And whereas it is expedient to empower the Corporation to construct the street works referred to in this Act and to acquire lands for and in connexion with the construction of those works and to extend their fire brigade station in Lower St. Mary's Gate:

And whereas the Corporation are the owners of waterworks and are supplying water within the borough and certain districts in the neighbourhood thereof and it is expedient to increase the

A.D. 1913. rates and charges which the Corporation are authorised to demand and take under the provisions of the Act 11 & 12 Vict. cap. xxxvi and the Derby Improvement Act 1879 and to confer further powers upon the Corporation in relation to their water undertaking:

And whereas under the provisions of the Derby Corporation Electric Lighting Orders 1890 and 1910 the Corporation are the owners of an electricity undertaking whereby the borough and certain districts in the neighbourhood thereof are supplied with electricity and it is expedient to confer further powers upon the Corporation in relation to that undertaking:

And whereas the Corporation under the authority of a charter dated at Westminster the fifth day of September in the thirty-fourth year of the reign of His Majesty King Charles II. and of an Act passed in the sixth year of the reign of His late Majesty King George IV. cap. cxxxii provided a cattle market and a market hall and other places for holding markets and fairs and further powers in relation to their markets undertaking were conferred upon the Corporation by the Derby Corporation Act 1877 and it is expedient to make further provision in regard to that undertaking:

And whereas by the Derby Corporation Act 1901 as amended by the Derby Order 1905 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905) the Corporation were empowered to make extensive works for the sewerage of an area comprising the borough and parts of the parishes of Alvaston and Boulton Osmaston and Normanton (in the said Act of 1901 and herein-after referred to as "the main drainage area") and it is expedient to make further provision with regard to the sewerage of that area:

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

And whereas it is expedient to empower the Corporation to establish a fund for the granting of superannuation and other allowances to officers and servants of the Corporation:

And whereas it is expedient to make provision for altering the procedure in the Derby Borough Court of Record:

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

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

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

(A) For and in connexion with the construction of the tramways authorised by this Act -	£ 21350
(B) For the provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramways authorised by this Act - - - - -	5400
(C) For the provision and equipment of omnibuses - - - - -	5000
(D) For the purchase of lands for and for and in connexion with the construction of the street works authorised by this Act -	49000

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Derby and are in this Act respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

A.D. 1913. 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 Derby Corporation Act 1913.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Tramways and Omnibuses.

Part III.—Street Works and Lands.

Part IV.—Water.

Part V.—Electricity.

Part VI.—Markets and Fairs Slaughter-houses.

Part VII.—Main Drainage.

Part VIII.—Streets Buildings Sewers and Drains.

Part IX.—Infectious Disease and Sanitary.

Part X.—Common Lodging-houses and Houses let in Lodgings.

Part XI.—Police.

Part XII.—Superannuation and Provident Fund.

Part XIII.—Financial Provisions.

Part XIV.—Miscellaneous.

Incorporation of Acts.

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

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

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that the said section 19 shall be read and have effect as if the words “but nothing
“in this Act contained shall authorise any local authority to place or run carriages upon such tramway and
“to demand and take tolls and charges in respect of the
“use of such carriages” were omitted from that section:

The Markets and Fairs Clauses Act 1847 (except sections 12 31 32 and 43 to 50 thereof).

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

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Interpre-
tation.

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

“The borough” means the county borough of Derby;

“The council” means the council of the borough;

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

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

“The Act of 1877” “the Act of 1879” “the Act of 1899” and “the Act of 1901” mean respectively the Derby Corporation Act 1877 the Derby Improvement Act 1879 the Derby Corporation Tramways &c. Act 1899 and the Derby Corporation Act 1901;

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

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

PART II.

TRAMWAYS AND OMNIBUSES.

5. For the purposes of this Part of this Act the expression “the Corporation Tramway Acts” means the Derby Tramways Order 1879 (confirmed by the Tramways Orders Confirmation Act 1879) the Act of 1899 and the Act of 1901.

Collective
title of
Tramway
Acts.

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Power to
make tram-
ways.

6. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates sleepers channels (including passages and tubes for ropes cables wires and electric lines) junctions turntables turnouts crossings passing-places triangles posts poles brackets wires waiting-rooms stables carriage-houses engine-houses stations sheds buildings works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways herein-before referred to and authorised by this Act will be situate in the borough and are—

Tramway No. 1 (6 furlongs 8·95 chains in length whereof 3 furlongs 7·87 chains will be double line and 3 furlongs 1·08 chains will be single line) situate in Osmaston Road commencing by a junction with the existing tramway in that road at its termination and terminating at the borough boundary :

Tramway No. 3 (1 mile 1 furlong 3·46 chains in length whereof 3 furlongs 6·72 chains will be double line and 5 furlongs 6·74 chains will be single line) commencing in Derwent Street by a junction with the existing tramway at a point 0·22 chain or thereabouts from the eastern pier of the canal bridge in that street passing thence along Nottingham Road Mansfield Road and Alfreton Road and terminating in the last-named road at the borough boundary.

Period for
completion
of tramways.

7. The tramways authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof respectively as shall then be completed.

Works to
form part of
tramway

8. The tramways authorised by this Act and the works connected therewith shall for all purposes form part of the

tramway undertaking of the Corporation and the provisions of the Corporation Tramway Acts and of the enactments incorporated therewith and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramways and works as if they had formed part of the tramways and works authorised by those Acts Provided that—

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undertaking
of Corpora-
tion.

(A) Nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws and regulations:

(B) The following sections shall not extend and apply to the said tramways and works (namely):—

Section 7 of the Derby Tramways Order 1879;

Section 18 of the Act of 1899;

Sections 69 70 and 72 of the Act of 1901 and so much of section 94 of that Act as applies to that Act and the tramways and works authorised thereby the provisions of the said section 18 of the Act of 1899:

(C) No post or other apparatus shall be erected on any carriageway in connexion with the tramways authorised by this Act except with the consent of the Board of Trade:

(D) The powers of sections 82 (Power to make double lines &c. and make additional passing-places) and 83 (Additional crossings) of the Act of 1901 except the powers of those sections relating to crossings shall not be exercised with reference to the tramways authorised by this Act without the consent of the Board of Trade.

9. Section 17 (For protection of Postmaster-General) of the Act of 1899 is hereby amended as follows:—

For pro-
tection of
Postmaster-
General.

(1) Subsection (B) (3) of that section shall be read and have effect as if the words “or the laying of lines crossing
“ the line of the Postmaster-General at right angles
“ at the point of shortest distance and so continuing
“ for a distance of six feet on each side of such point”
were omitted therefrom:

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- (2) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section:—

If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the said works or to the working of the tramway undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations.

Use of
tramway
posts by
Postmaster
General.

10.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the tramways authorised by this Act and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the

manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided : A.D. 1913.

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through

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or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided :

(1) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the

support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

11. The provisions of section 82 (Power to make double lines &c. and make additional passing-places) of the Act of 1901 as amended by the section of this Act of which the marginal note is "Works to form part of tramway undertaking of Corporation" shall be extended so as to enable the Corporation subject to the provisions of those sections to lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of their tramways either when constructing such tramways or at any time thereafter.

As to alterations of tramways.

12. The following provisions for the protection of the Great Northern Railway Company (in this section referred to as "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect with respect to the tramways and works authorised by this Part of this Act (that is to say):—

For protection of Great Northern Railway Company as to tramways.

(1) The provisions of section 71 (For protection of Great Northern Railway Company as to tramways) of the Act of 1901 except subsection (7) thereof shall mutatis mutandis extend and apply for the protection of the company in relation to the tramways and works

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authorised by this Part of this Act as if those tramways and works had been authorised by the Act of 1901 :

- (2) Any additional expense occasioned to the company in the maintenance of any bridge by the construction or user of the tramways and works authorised by this Part of this Act shall be borne by the Corporation :
- (3) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the engineer of the company unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been reasonably approved by the said engineer :
- (4) The Corporation shall not for the purposes of this Act make any attachments to any structural part of any such bridge without the consent in writing of the said engineer which consent shall not be unreasonably withheld such attachments if allowed to be in all respects subject to the reasonable approval of the said engineer and to be temporarily removed at any time when required by him in connexion with the maintenance reconstruction or alteration of the said bridges :
- (5) Any question arising between the Corporation and the company under this section shall be determined unless otherwise agreed by arbitration the arbitrator being appointed failing agreement by the Board of Trade on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Restrictions
not to apply
to special
carriages.

13. The restrictions contained in the Corporation Tramway Acts as to fares for passengers shall not extend to any special carriages run upon the tramways of the Corporation or to any special service of carriages on extraordinary occasions and in

respect thereof the Corporation may demand and take such fares as they shall think fit but such restrictions shall apply only to the ordinary carriages or service of carriages appointed from time to time for the conveyance of passengers on the tramways of the Corporation Provided that the running of such carriages shall in no way curtail the ordinary service of carriages.

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14.—(1) The Corporation may provide (but shall not manufacture) omnibuses and may run the same within the borough demanding and taking such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade.

Power to provide and run omnibuses.

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

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

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

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

(6) In this section the expression "omnibus" includes any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power.

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Trees over-
hanging
tramways.

15.—(1) Where any tree overhangs any highway along the route of any of their tramways or omnibuses which may in any way interfere with the construction or working of the tramways or trolley wires or with the clear and safe passage of the tram-cars or omnibuses and the passengers thereon the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(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.

Shelters or
waiting-
rooms.

16. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers on the tramways or omnibuses of the Corporation and of the servants of the Corporation and may with the consent of the local and road authority use for that purpose portions of the public streets or roads Provided that notwithstanding anything in this section contained no shelter or waiting-room shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of any railway company except with the consent in writing of that company and any difference arising under this section between the Corporation and any such company shall be determined by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party after notice in writing to the other.

Lost pro-
perty.

17. Any property found in any tramcar or omnibus of the Corporation shall forthwith be handed to the conductor of the tramcar or omnibus or taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by

advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramways undertaking of the Corporation. A.D. 1913.

18. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the tramways of the Corporation anything which is calculated to obstruct or interfere with the working of such tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 (Penalties for wilful injury or obstruction to tramways &c.) of the Tramways Act 1870 with respect to any tramways of the Corporation shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

PART III.

STREET WORKS AND LANDS.

19. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works herein-after described together with all necessary or proper works and conveniences connected therewith or incident thereto. Power to construct street works.

The street works herein-before referred to and authorised by this Part of this Act will be situate in the borough and are—

Street Work No. 1.—A widening of Normanton Road on the west side thereof;

Street Work No. 2.—A further widening of Normanton Road on the west side thereof;

Street Work No. 3.—A widening of London Road on the east side thereof;

Street Work No. 4.—A widening of East Street on the south side thereof;

Street Work No. 5.—A widening of Nottingham Road on the south side thereof;

Street Work No. 6.—A widening of Burton Road on the south side thereof;

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Street Work No. 7.—A widening of Rose Hill Street on the north side thereof;

Street Work No. 8.—A widening of Queen Street on the south-west side thereof;

Street Work No. 9.—A widening of Queen Street on the north-easterly side thereof;

Street Work No. 10.—A widening of King Street on the northerly side thereof.

Subsidiary works.

20.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connexion with the works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

(3) Provided also that the Corporation shall not alter divert or otherwise interfere with any pipe wire or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Limits of deviation.

21. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans

and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards. A.D. 1913.

22. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of the street works authorised by this Part of this Act and for the purpose of providing space for the erection of buildings adjoining or near to any street the widening or improvement of which is authorised by this Act or for other the purposes of this Part of this Act. Power to take lands.

23. For the protection and benefit of the Derby Canal Company (herein-after called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):— For protec- tion of Derby Canal Com- pany.

(1) Notwithstanding anything in this Act or in the enactments incorporated therewith the Corporation shall subject to the provisions of the Lands Clauses Acts purchase and take the whole of the lands of the company in the borough numbered 14 15 and 16 upon the deposited plans (except a strip thereof two feet in width adjoining the canal on the north-eastern side thereof and lying between Derwent Street and the granary called "Clarke's warehouse" situate on and over the canal in the borough) together with a right or easement to pass over the said strip for the purpose of obtaining access to the canal:

(2) Notwithstanding the purchase of so much of the lands numbered 16 on the deposited plans as lies to the north-west of a straight line drawn north-eastwards in continuation of the south-eastern wall of the said granary and notwithstanding any dedication of such lands to the public the company and all persons authorised by them shall be entitled at all times to stand carts wagons and other vehicles upon so much of such lands as aforesaid for the purpose of loading and unloading the same from or to the said granary.

24.—(1) The Corporation may reduce the width of Lower St. Mary's Gate to the extent shown upon the deposited plans for and in connexion with the extension and improvement of Closing of part of Lower St. Mary's Gate.

A.D. 1913. — their fire brigade station and thereupon all rights of way over the portion of that street so withdrawn from the highway shall be extinguished.

(2) The Corporation shall make full compensation to all parties interested in respect of private rights of way (if any) extinguished 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.

(3) The portion of Lower St. Mary's Gate withdrawn from the highway under the provisions of this section shall be deemed to be acquired by the Corporation for the purposes of the Public Health Act 1875.

Period for compulsory purchase of lands.

25. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease in the case of lands required for or in connexion with Street Works Nos. 8 9 and 10 authorised by this Act after the expiration of five years from the passing of this Act and in the case of all other lands after the expiration of three years from the passing of this Act.

Costs of arbitration &c. in certain cases.

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

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and

to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. A.D. 1913.

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

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

28. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands. Power to purchase additional lands by agreement.

29. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

A.D. 1913.

PART IV.

WATER.

Increased
water
charges.

30.—(1) From and after the passing of this Act the several rates per annum specified in section 30 (Rates at which water is to be supplied for domestic purposes) of the Derby Waterworks Act 1848 shall be increased in each case to the extent of four pounds per centum per annum upon the annual value of the premises in the said section mentioned and the Corporation may accordingly demand and take rates and charges so increased for the supply of water under the said section.

(2) Nothing in the said section 30 or in this section shall entitle the Corporation in any case to demand for the water rate for any house or part of a house included in any division of the scale set out in that section a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient annual value to bring it within the next division of the scale relating to premises of a higher annual value whereon a lower rate per centum is chargeable.

Agreements
as to supply
of water in
certain cases.

31. The Corporation may agree with the owner or occupier of any premises within their limits for the supply of water who is not entitled to demand a supply of water from the Corporation to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

Injuring
meters.

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

A.D. 1913.

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

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

33. The Corporation may on the application of the owner or occupier of any premises within their limits for the supply of water abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall the Corporation in carrying out such works unreasonably obstruct or interfere with the convenient access to any such street.

Power to lay water pipes in streets not dedicated to public use.

34. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation to execute such repairs as they may think necessary or

Power to Corporation to repair communication pipes.

A.D. 1913. expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe has been laid by and belongs to the occupier of such premises from the occupier:

Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours previous notice of their intention so to enter.

Maintenance
of common
pipe.

35. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor.

Detection
of waste of
water.

36.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Corporation shall not enter upon break up or interfere with the works electric lines or apparatus of a railway company except with their consent in writing and under the supervision of the engineer of the railway company and the Corporation shall where necessary provide reasonable means of access for persons bonâ fide going to or coming from the houses or stations or other premises of any railway or canal company in any streets so stopped up.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. A.D. 1913.

37. Section 4 (Interpretation of terms) of the Act of 1879 shall be read and have effect as if the words "and except minute books" down to and including the words "confidential papers of the company" and the words "provided that the minute books" down to and including the words "and affecting the Corporation" were respectively omitted therefrom and those words are respectively hereby repealed and the minute books letter books registers of shareholders registers of transfers shareholders' address books dividend books transfers letters and letter copy books and other private and confidential papers referred to in that section shall from and after the date of this Act be deemed to form part of the undertaking which has been purchased by the Corporation under the provisions of that Act and shall become and be the property of the Corporation. Amendment
of section 4
of Act of
1879.

PART V.

ELECTRICITY.

38.—(1) The consent of the local authority within the Corporation's area of supply for electrical energy to the placing of electric lines above ground by the Corporation under section 14 (Restrictions as to above-ground works) of the Electric Lighting Act 1882 and section 10 (B) of the schedule to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld. As to over-
head wires.

(2) If any question arises between the Corporation and any such local authority as to whether such consent is unreasonably withheld that question shall be decided by the Board of Trade on the application of either party after notice in writing to the other.

39.—(1) The Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming-stations and other works in connexion with their electricity undertaking and Power to
construct
electrical
sub-stations
understreets.

A.D. 1913. — may in any such street provide and maintain all such means of access and approach to such sub-stations transforming-stations and works as may be necessary or convenient.

(2) No sub-station transforming station or other works shall be constructed within a distance of twenty-five yards of any property of any railway company or within a distance of twenty-five yards from any entrance to any manufactory except with the consent in writing of that company or of the occupier of such manufactory as the case may be which consent shall not be unreasonably withheld Any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Provisions
as to supply
of electricity
by agree-
ment.

40.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the energy supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electrical energy to such consumer until they are satisfied that any energy so supplied will be consumed in accordance with the terms of such agreement:

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

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

consumer of electricity supplied by the Corporation under the terms of any agreement existing at the date of this Act of any right to which he would be entitled but for the said provisions. A.D. 1913.

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

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

42. Notwithstanding anything contained in this Act the Corporation shall not charge for any electricity supplied and used for the purpose of working motors used for compressing gas supplied by the Derby Gas Light and Coke Company at a higher rate than the highest rate charged by them for the time being for electricity supplied for lighting purposes. As to charges for electricity to gas compressing engines.

43.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and a daily penalty not exceeding twenty shillings. Further powers as to entry upon premises.

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

A.D. 1913.

For protection of Derby Gas Light and Coke Company.

44. For the protection and benefit of the Derby Gas Light and Coke Company (in this section called "the company") the following provisions shall apply and have effect:—

(1) In the construction and maintenance of any sub-stations transforming stations and other works under the provisions of the section of this Act of which the marginal note is "Power to construct electrical sub-stations under streets" and in the construction of any conduits street boxes or underground chambers in connexion with their electricity undertaking in or under any streets in pursuance of any powers in that behalf conferred upon them the Corporation shall make reasonably sufficient provision by ventilation or otherwise for the escape of any gas which may obtain access thereto:

(2) Nothing in this Part of this Act shall authorise the Corporation to enter upon use or in any manner interfere with any private roads lands property or works of or belonging to the company and used and occupied by them as a part of or in connexion with their statutory undertaking or which shall have been acquired or shall be acquired by the company for the purpose of and in connexion with that undertaking.

Period of error in defective meters.

45.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Power to refuse to supply electrical energy in certain cases.

46. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electricity or meter-rent are for the time being in arrear (not being the subject of a bonâ-fide dispute) whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

47.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act relating to the supply of electricity and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

A.D. 1913.
As to expenses and receipts.

(2) Any moneys received by the Corporation under the said provisions shall be applied in manner provided by section 7 (Application of money received by local authority as undertakers) of the Electric Lighting (Clauses) Act 1899.

PART VI.

MARKETS AND FAIRS SLAUGHTER-HOUSES.

48. The Corporation may from time to time as they may deem expedient remove establish provide construct build maintain and regulate all or any of their cattle and other markets and fairs into and in any building or buildings or on to and on any lands within the borough acquired by them under the powers of this Act or which they are authorised to appropriate and use for the purposes of their markets and fairs and may make construct extend build maintain furnish equip work and use all requisite and convenient market-houses and buildings weighing-houses shops stalls sheds yards stables slaughter-houses sewers drains buildings works approaches and conveniences connected therewith and when and so soon as the Corporation shall have established and provided for public use a new place for carrying on any market or fair it shall be lawful for the Corporation to discontinue wholly or in part the use for market purposes of the place at which the market or fair shall have been carried on before the provision of the new place and thereafter every person (other than pedlars and hawkers lawfully exercising their calling and duly licensed or certificated under any Act relating to such calling) selling marketable commodities at the old market place or place for holding the fair shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to remove market.

49. Before the Corporation remove any market or fair they shall give at least one month's public notice by advertisement

Public notice of removal of market.

A.D. 1913.

in some newspaper circulating in the borough and by placards affixed in prominent places throughout the market as the case may require and a statutory declaration by an officer of the Corporation to the effect that public notice has been given in accordance with this section shall be received as evidence of compliance with the provisions thereof.

Amendment
of section 55
of Act of
1877.

50. Section 55 (Saving for pedlars) of the Act of 1877 shall be read and have effect as if the words "or certificated" were therein inserted after the words "duly licensed."

Power to
acquire
further lands.

51. Subject to the provisions of this Act the Corporation may from time to time purchase and take by agreement for the purposes of this Part of this Act any quantity of lands within the borough not exceeding seven acres Provided that the Corporation shall not create or permit any nuisance on any lands taken under the powers of this section and no building shall be erected by the Corporation on such lands except in connexion with the markets or fairs.

Further
powers as
to markets.

52. The Corporation may provide all such matters and things as may be necessary for the convenient use of their markets fairs and market hall.

Penalty for
attempting
to evade
payment of
tolls &c.

53. If any person liable to pay any stallage rent toll or charge to the Corporation in respect of the markets or fairs shall give an incorrect account of the same or make any false statement in relation thereto or refuse or neglect to give a correct account thereof with a view to evade or attempt to evade the payment of such stallage rent toll or charge or any part thereof he shall be liable to a penalty not exceeding forty shillings and to pay the amount of the stallage rent toll or charge so evaded or attempted to be evaded.

Amendment
of section 54
of 6 Geo. IV.
cap. cxxxii.

54. Any expenses incurred by the Corporation in complying with the requirements of section 7 (Animals in pounds) of the Protection of Animals Act 1911 shall be deemed to be part of the expense of impounding within the meaning of section 54 (Obstructions may be seized) of the Act 6 George IV. cap. cxxxii.

As to
markets
accounts.

55. Section 50 (Annual accounts to be made up by undertakers and transmitted to the clerk of the peace and to be open to inspection) of the Markets and Fairs Clauses Act 1847 shall from and after the date of this Act cease to apply to the Corporation or their markets and fairs undertaking.

PART VII.

A.D. 1913.

MAIN DRAINAGE.

56. In this Part of this Act the expressions "main drainage area" and "local authorities" have the meanings assigned to them respectively by section 115 (Provisions as to main drainage area) of the Act of 1901. Definitions.

57. In relation to the Corporation and to every main intercepting sewer vested in the Corporation and situate in the main drainage area— Communi-
cation of
drains with
main inter-
cepting
sewers.

(1) Section 21 (Power of owners and occupiers within district to drain into sewers of local authority) of the Public Health Act 1875 shall apply with the substitution of references to the main drainage area and to the Corporation for references to the district and to the local authority and with such other modifications as are necessary to empower the Corporation by their regulations to require the observance of conditions as to the giving of notices and the deposit of plans by the owners and occupiers of premises who are desirous of causing their drains to empty into a main intercepting sewer; and

(2) Section 18 (Provision as to local authority making communications with or altering &c. drains and sewers) of the Public Health Acts Amendment Act 1890 shall apply with the substitution of references to the Corporation for references to the local authority as if that section had been adopted and were in force in the main drainage area. Provided that where any communication is to be made the Corporation may if they so determine themselves make the communication and may execute the works referred to in that section without any request by the owner or occupier of the premises and in the event of their so doing the cost or estimated cost of making such communication and executing such works shall be paid to the Corporation by the owner or occupier as the case may be or the payment thereof shall be secured to their satisfaction:

A.D. 1913.

- (3) The provisions of section 51 (Approval of mode of construction of sewers) of the Act of 1879 of section 160 (Corporation may require old drains to be laid open for examination by surveyor before communicating with sewers) of the Act of 1901 and of any other local Act for the time being in force with respect to connexions between drains and sewers in the borough shall apply to the drains communicating with sewers under the provisions of this section :
- (4) No drain shall without the consent of the Corporation be allowed to communicate with a sewer of the Corporation or with a branch sewer in the main drainage area unless it is so constructed as to prevent surface water and sub-soil water from entering it and the owner or occupier of any premises within the main drainage area shall so maintain the drains of such premises as to prevent any such surface or sub-soil water entering the said sewers Provided that nothing in this subsection shall be deemed to prohibit the communication with any such sewers of a drain conveying surface water from any buildings or their curtilage or (subject to the provisions of section 115 (11) of the Act of 1901) from any highway :
- (5) The surveyor may at all reasonable times in the day-time examine any drain connected or proposed to be connected with any sewer of the Corporation or a branch sewer in the main drainage area in order to ascertain whether any such surface or sub-soil waters will enter such sewer and if the foregoing provisions of this section are not complied with the Corporation may if they think fit after not less than twenty-four hours notice shall have been given to the person in default execute any works necessary to effect compliance with such provisions and may recover from such person the expenses incurred by them in so doing :
- (6) All drains connected or proposed to be connected with any main intercepting sewer or branch sewer in the main drainage area shall be so constructed and maintained as to prevent any sewage surface water

sub-soil water or other matter from land or premises not situate within the main drainage area or the borough passing directly or indirectly thereinto: A.D. 1913.

- (7) Subject to the right of the local authorities to construct branch sewers under section 115 (Provisions as to main drainage area) of the Act of 1901 no person shall cause any sewer or drain to communicate directly or indirectly with the main intercepting sewers of the Corporation except in accordance with the provisions of this section:
- (8) Every 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 twenty shillings.

58.—(1) Subsection (16) of section 115 of the Act of 1901 is hereby repealed and the following provisions shall apply in lieu of that subsection (that is to say):—

Further provisions as to payments by local authorities.

(16) (A) In pursuance of a requisition to be made in writing by the Corporation as soon as practicable after the thirty-first day of March and the thirtieth day of September in each year the local authorities shall each in respect of that part of the main drainage area which is within the district of the local authority make a half-yearly payment to the Corporation for permitting communications to be made with the main intercepting sewers and for the treatment and disposal of sewage:

(B) The payment shall in each case represent a contribution by the local authority towards the expenditure (including interest on borrowed money and all sums applied towards the repayment of such borrowed money) which during the half-year (ended on the thirty-first day of March or the thirtieth day of September as the case may be immediately preceding the date of the requisition) has been defrayed by the Corporation otherwise than out of borrowed moneys in respect of the main intercepting sewers of the borough and main drainage area and of the treatment and disposal of the sewage of the borough and the main drainage area:

A.D. 1913.
—

(c) The contribution shall in each case be in the proportion which the assessable value of the part of the main drainage area bears to the combined assessable value of the whole of the main drainage area and of the borough:

(d) The contribution shall be paid to the Corporation within three months of the date of the making of the said requisition:

(e) For the purposes of this subsection the assessable value shall in each case be ascertained by the valuation lists in force on the thirty-first day of March immediately preceding the date of the requisition:

(f) The expression "assessable value" as used in this subsection means—

(i) In relation to so much of the main drainage area as is within an urban district and in relation to the borough the full net annual value on which the several rateable hereditaments are assessable for the purposes of a general district rate subject to the condition that one-fourth part only of that net annual value shall be the value of those rateable hereditaments in respect of which the exceptions regulations and conditions applicable to the general district rate require that the assessment shall be in that proportion; and

(ii) In relation to so much of the main drainage area as is within a rural district the rateable value on which the several rateable hereditaments are assessable for the purposes of a separate rate for special expenses subject to the exception that one-fourth part only of that rateable value shall be the value of those rateable hereditaments which by virtue of the exception applicable to the separate rate where a special assessment is made are required to be assessed in respect of that part.

(2) Subsection (15) of the said section 115 of the Act of 1901 shall be read and have effect as if the words from "on such terms as to annual payments" down to "at the instance of either party" both inclusive were omitted therefrom and subsection (20) of the same section shall be read and have

effect as if the word "on" were omitted therefrom and in lieu thereof the words "within three months after" were inserted. A.D. 1913.

59.—(1) Any person who without the written consent of the Corporation causes any building to be erected over any sewer of the Corporation in the main drainage area or causes any vault arch or cellar to be newly built or constructed under the carriageway of any street in that area in which any sewer of the Corporation has been laid down shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Buildings not to be erected over sewers in main drainage area without consent.

(2) The Corporation may cause any building vault arch or cellar erected or constructed in contravention of the provisions of this section to be altered pulled down or otherwise dealt with as they may think fit and may recover any expenses incurred by them in so doing from the offender.

(3) Nothing in this section contained shall alter prejudice or affect any right or power of the Postmaster-General under the Telegraph Acts 1863 to 1911.

PART VIII.

STREETS BUILDINGS SEWERS AND DRAINS.

60. The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished. Exchange of parts of streets disused.

61.—(1) The Corporation may by notice in writing require the owner of any street in the borough which is a highway not repairable by the inhabitants at large or the owners of the premises abutting upon such street to cleanse the gullies in such street within such reasonable time as may be specified in the notice. As to cleansing of gullies in private streets

A.D. 1913.

(2) In the event of such owner or owners neglecting or refusing to comply with any requirement of the Corporation under this section the Corporation may themselves cleanse the gullies in such street and may recover the expense incurred by them in so doing from such owner.

Corporation
may define
boundaries
of rivers
brooks and
water-
courses.

62.—(1) In order to prevent encroachments on any river brook or watercourse within the borough and to secure regularity in the banks thereof the Corporation may cause a survey of any such river brook or watercourse to be made all along its course in the borough and a plan to be prepared showing the width of the river brook or watercourse and the property immediately adjoining thereto within the borough together with such other particulars as the Corporation may think fit and the Corporation may define and describe upon such plan what shall be the boundaries of the river brook or watercourse and no person shall build any wall building or other structure which shall project into the river brook or watercourse as so defined save such structures as are or shall be authorised by Act of Parliament and such plan shall be lodged at the office of the surveyor and shall be accessible to the inhabitants of the borough at all reasonable times.

(2) The Corporation shall within one month after the completion of the said survey and plan give public notice thereof by advertisement in two newspapers circulating in the borough and if within one month from the publication of such notice the owner or owners of lands adjoining such river brook or watercourse to the extent in the whole of one mile in length or the owner of any water-mill within the borough affected by such survey and plan shall give notice that they are not satisfied with the boundaries of the river brook or watercourse as so defined the Board of Trade may and they are hereby required on application of the Corporation or of such landowners or water-mill owner to appoint some person to inquire into the matter and to ascertain and define the boundaries of any river brook or watercourse for which purpose such person shall have power to hear the Corporation or such landowners or water-mill owner by their counsel agents or witnesses and to call for books or documents in the possession of such landowners or water-mill owner or of the Corporation and to examine witnesses on oath and to administer the oaths necessary for that purpose and the boundaries of any river brook or watercourse which shall be defined by such person shall thenceforth be and be deemed to

be the boundaries of such river brook or watercourse and the costs of such inquiry shall be in the discretion of the person holding the inquiry. A.D. 1913.

(3) If any building or erection be begun to be put up built or erected in any river brook or watercourse within the borough as defined on such plan the offender shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings and on conviction of any person under this section the court may make such order with regard to the taking down or alteration of the building or erection as in the circumstances of the case it may think fit and in default of compliance with such order by the person to whom the same is directed the Corporation may (without prejudice to any such penalties) take down or alter such building or erection and recover the cost thereof summarily from such offender.

(4) Nothing contained in this section shall prevent any person from exercising any right he may have of erecting any bridge or culvert or building on such bridge or culvert over any river brook or watercourse if such bridge or culvert does not impede or interfere with the free flow of water along such river brook or watercourse.

(5) Nothing in this section contained shall apply to any wall building or other structure constructed or to be constructed by any railway or canal company under any existing Act of Parliament.

(6) For the purpose of this section the term "watercourse" does not include a canal.

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

64.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof As to dangerous buildings,

A.D. 1913. — or persons working therein or in the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

Sanitary conveniences for workmen engaged on buildings.

65.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the borough shall if practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient water or other closets and urinals.

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

Amendment of section 164 of Act of 1901.

66. Subsection (3) of section 164 (Inspection of drains &c.) of the Act of 1901 shall be read and have effect as if the words "if within the added areas to be properly made" were omitted therefrom and as if the words "(in the case of any drain closet " or cesspool water-supply sink trap syphon pipe or other work " or apparatus within the added areas which was constructed " before the date of this Act) to have been properly made" were inserted in lieu thereof.

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

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

68. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation who may execute all works necessary for the purpose and the cost or estimated cost of making the communication and executing such works shall be secured to the Corporation to their satisfaction.

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Corporation may make communications between drains and sewers.

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

Wilful damage to drains water-closets &c.

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

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

Penalty on occupier refusing execution of Act.

71. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the

Power of entry.

A.D. 1913. — purposes of this Part of this Act as if those purposes had been mentioned in the said section 102.

Saving as to railway and canal companies.

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

PART IX.

INFECTIOUS DISEASE AND SANITARY.

Measles and whooping-cough.

73.—(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 of the diseases known as measles german measles or whooping-cough 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 one of the diseases of measles german measles or whooping-cough 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) The provisions of this section shall cease to be in force within the borough at the expiration of five 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.

Regulation dustbins.

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

(2) Any owner or occupier who fails to comply with the requirements of this section after notice in writing from the

Corporation requiring him so to do shall be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. A.D. 1913.

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

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

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

PART X.

COMMON LODGING-HOUSES AND HOUSES LET IN LODGINGS.

76. No person unless he shall be registered by the Corporation under the Public Health Act 1875 as amended by the Act of 1901 shall keep a common lodging-house or receive lodgers therein and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Unregistered person not to keep a common lodging-house.

77. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):— Byelaws as to lodging-houses.

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof:

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

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PART XI.

POLICE.

Regulating
sale of coke
by street
hawkers.

78.—(1) Every person who shall sell or offer for sale coke in greater quantities than one quarter of a hundredweight from any vehicle in any street shall sell the same or offer 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 from any vehicle in any street and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold or offered 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 that—

(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) If the owner or any person in charge of any vehicle from which coke is being sold or offered for sale in any street wilfully makes any false statement as to the weight or measure 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.

(4)—(A) 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 borough 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.D. 1913.

(B) 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 section have been complied with.

(5) The word "coke" wherever it occurs in section 123 (Extension of section 28 of 10 & 11 Vict. c. 89) of the Act of 1879 is hereby repealed.

79.—(1) For the purpose of the provisions of the Act of 1879 and of the Town, Police Clauses Acts 1847 and 1889 with respect to hackney carriages the borough shall be the prescribed distance except with respect to any hiring taking place within the borough in which case ten miles from the town hall shall be the prescribed distance. Provided that it shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire a longer distance beyond the borough than five miles. Extending limits of byelaws as to hackney carriages.

(2) In the case of any such hiring within the borough any offence against any byelaw of the Corporation with respect to hackney carriages whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough.

80. An occasional licence for a public vehicle may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence. Power to grant occasional licences.

81.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the borough to be tested and inspected before being first used and at such reasonable intervals of time as the Corporation may require and no such taximeter or similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing inspection and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage. Power to inspect and certify taximeters.

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(2) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time aforesaid shall be liable to a penalty not exceeding forty shillings.

As to public vehicles taken at railway station.

82. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation for the time being in force with respect to hackney carriages and other public vehicles shall be as fully applicable in all respects to hackney carriages and other public vehicles within the borough conveying passengers to or from any railway station within the borough or plying for hire at such railway station as if such railway station were a public stand for public vehicles:

Provided always that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicle:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage or other vehicle in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

No person to have care of more than one cart.

83.—(1) Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have the care of more than one cart waggon or carriage each drawn by an animal or animals in any street in the borough within a radius of one mile from the town hall and no person shall fasten or allow to be fastened to the rear of any such cart waggon or carriage any other cart waggon or carriage drawn by an animal or any animal drawing a cart waggon or carriage.

(2) Any person acting in contravention of this enactment shall be liable to a penalty not exceeding twenty shillings.

Notice of processions to be given.

84.—(1) Any person or persons intending to organise or form in or through the streets of the borough a procession for the purposes of holding a meeting show or entertainment at the Market Place or at any point within a radius of one mile therefrom (other than processions which are regularly held in

or through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at their head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. A.D. 1913.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

85. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of that section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets of the borough. Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid. Provided also that any such byelaws shall not prevent the owner of any animal driving the same to his own premises. Byelaws as to leading or driving cattle.

PART XII.

SUPERANNUATION AND PROVIDENT FUND.

86.—(1) It shall be lawful for the Corporation to establish in manner herein-after provided a superannuation and provident fund for the provision of payments or other allowances on death superannuation resignation retirement or discharge to persons in the employment of the Corporation being contributors to such fund. Super-annuation fund.

(2) The Corporation may prepare and approve by resolution a scheme or schemes for the establishment of such fund

A.D. 1913. and may determine in and by any such scheme the following matters and things or any of them (that is to say) :—

- (A) What classes of persons shall be entitled to contribute to and participate in the benefit of the fund and to what extent such contribution shall be payable by persons in the service of the Corporation provided that no officer or servant in the service of the Corporation at the passing of this Act shall be obliged to contribute to the fund except with his consent ;
- (B) The division of the persons contributing to and to be benefited by the fund into one or more classes according to the amount of salary or according to such other conditions as the Corporation shall determine power being reserved by the scheme to remove any contributor from one class to the other provided that no such removal shall place the contributor or his representatives in a worse position than he would have occupied if the removal had not been made ;
- (C) What (if anything) shall disqualify any person in the employment of the Corporation from becoming a contributor to the fund and participating in the benefits thereof ;
- (D) Under what circumstances any person having been a contributor to the fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof ;
- (E) What proportion (if any) of his own contributions to the fund any person having been but voluntarily ceasing to be a contributor thereto shall be entitled to receive ;
- (F) What proportion (if any) of the additions made by the Corporation to the fund in respect of the contributions of any member shall be payable to the representatives of such member in the event of his dying before he becomes entitled to any benefit under the scheme on superannuation resignation or retirement ;
- (G) The percentage or proportion not exceeding without the consent of the Local Government Board four pounds

per centum of their salaries or wages which shall be payable to the fund by the contributors; A.D. 1913.

- (H) The percentage or proportion not exceeding without the consent of the Local Government Board four pounds per centum of the salaries or wages of the contributors to the fund which shall be payable to the fund by the Corporation;
- (I) The maximum salaries or wages on which the percentages or proportions aforesaid shall be payable by contributors and the Corporation;
- (J) As to whether any and what proportion of any bonus commission or emolument payable to or receivable by a contributor to the fund shall be taken into account for the purpose of the scheme;
- (K) The age at which or other circumstances in which (including the date at which) a person shall become entitled to benefit under any scheme so that no person not incapacitated by illness shall be entitled to benefit (except by way of return of his own contributions with interest under subsection (3) of this section) at a less age than sixty;
- (L) What part (if any) of his own contributions to the fund with interest thereon may be advanced by the Corporation out of the fund to a contributor in case of illness temporarily incapacitating him and the rate of interest payable by such contributor for the advance and the time when such advance shall be repayable;
- (M) The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity or partly by way of a gross sum and partly by way of annuity;
- (N) The rate not exceeding three pounds ten shillings per centum at which interest whether simple or compound shall be calculated in respect of the moneys contributed to the fund by the contributors and by the Corporation respectively;
- (O) The management and direction of the fund and the number of and mode of appointment of the committee for administering and managing the same and the

A.D. 1913.

powers to be conferred upon the committee with respect to such administration and management and whether any and if any what persons other than members of the Corporation should form part of or be associated with the said committee for the purposes of the administration and management of the fund;

- (P) The securities upon which the moneys received on account of the fund shall from time to time be invested;
 - (Q) And generally all such other matters and things in relation to the fund as the Corporation shall deem fit and proper to form part of and to be included in such scheme.
- (3) Any scheme under this section shall provide as follows:—
- (A) Any contributing member retiring from the service of the Corporation before superannuation bonâ fide of his own accord and not to escape dismissal shall be entitled to receive back the whole amount of his own contributions to the fund with interest as aforesaid and shall have no further claim upon the fund;
 - (B) Any contributing member dismissed the service of the Corporation or who retires from the service to escape dismissal for misconduct or neglect of duty which does not involve pecuniary loss to the Corporation shall be entitled to receive back the whole amount of his own contributions to the fund without interest and shall have no further claim upon the fund;
 - (C) Any contributing member dismissed the service of the Corporation or retiring from the service to escape dismissal for fraud or dishonesty or misconduct or neglect of duty which involves pecuniary loss to the Corporation shall at the discretion of the Corporation forfeit all or any part of his contributions and lose all benefits from the fund except such return (if any) as may at such discretion be made to him out of his own contributions;
 - (D) Any contributing member leaving the service of the Corporation in consequence of any reduction or alterations in the establishment or whose services are discontinued from any cause other than fraud or

dishonesty or misconduct or neglect of duty shall be entitled to receive back the whole amount of his own contributions to the fund with interest thereon and such percentage or proportion of the contributions of the Corporation to the fund as may be determined by the scheme;

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- (E) The legal personal representatives of any contributing member who (not having been guilty of fraud or dishonesty or misconduct or neglect of duty which involves pecuniary loss to the Corporation) shall die before he becomes entitled to any benefit under the scheme on resignation or retirement shall be entitled to receive back the whole contributions of such member with interest as aforesaid and such percentage or proportion of the contributions of the Corporation to the fund as may be determined by the scheme.

(4) Any contributing member who shall become entitled to benefit under any scheme shall be entitled to such an annual allowance as shall be determined by the scheme not being less than one-eightieth or more than one-sixtieth of the average annual amount of his salary or wages during the five years ending on the day on which he ceases to hold his office or employment multiplied by the number of complete years comprised in the service or aggregated service of such contributing member:

Provided that in no case shall any such allowance exceed forty-sixtieths of the said average annual amount of the salary or wages.

(5) Before any scheme under this Part of this Act shall come into operation the same shall be submitted to an actuary being a Fellow either of the Institute of Actuaries or of the Faculty of Actuaries of Scotland appointed for the purpose by the Corporation with the approval of the Chief Registrar of Friendly Societies and such scheme shall not come into operation unless and until such actuary shall have reported to the Corporation in writing that the scheme is actuarially sound without the necessity (so far as can be reasonably foreseen) for any payment from the Corporation under the provisions of subsection (11) of this section.

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(6) A copy of any scheme made by the Corporation under this Part of this Act shall be sent by them to the Chief Registrar of Friendly Societies and to the Local Government Board.

(7) The scheme and the state of the fund shall at the termination of every period of five years from the date upon which the scheme comes into operation for the first time be submitted for investigation and report to an actuary being a Fellow either of the Institute of Actuaries or of the Faculty of Actuaries of Scotland appointed by them and approved by the Chief Registrar of Friendly Societies and such actuary shall make an actuarial valuation of the fund and on the basis of such valuation shall certify whether any and if so what addition to the benefits provided by the then existing scheme (not being more than the maximum benefits mentioned in subsection (4) of this section) may be made from the fund so that the fund as constituted under the scheme may be solvent without further contribution or payment by the Corporation other than the percentage or proportion of the salaries or wages of the contributors to the fund paid to the fund from time to time by the Corporation and any contributing members who shall become entitled to benefit during the then ensuing quinquennial period shall be entitled to the additional benefit so certified. Provided that such additional benefit shall have relation to the length of service of or to the amount of contribution by or in respect of the member entitled thereto or to both of such matters as the Corporation may decide.

(8) A copy of every report issued by any actuary under the provisions of subsections (5) and (7) of this section shall when issued be forwarded by the Corporation to the Chief Registrar of Friendly Societies and the Corporation shall also forward to the said Chief Registrar in each year a copy of the last annual accounts of the fund.

(9) The Corporation shall supply a copy of any scheme in force under this Act at a price not exceeding sixpence to any person in the employment of the Corporation interested in the fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the fund a copy of the last annual balance sheet of the same for the time being.

(10) All sums to be paid by the Corporation under the foregoing provisions of this section shall be paid out of the same fund or rate as the salary or wage of the contributing member. A.D. 1913.

(11) In the event of the moneys standing to the credit of the fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Corporation.

(12) The Corporation may also out of the borough fund or borough rate pay any salaries costs and expenses of the management and administration of the fund and of and incidental to investments.

(13) It shall be lawful for the Corporation in their discretion to increase the amount of the benefits under subsections (4) and (7) of this section to which an officer may become entitled to a sum not exceeding the maximum amount which might be granted to such officer under the said subsection (4) but in any such case they shall from time to time pay into the superannuation fund out of the fund or rate from which the salary or wages of such officer were payable a sum or sums equivalent to the amount of such increase.

(14) It shall be lawful for the Corporation from time to time to enter into and carry into effect any contract with any company carrying on the business of life assurance or provident fund for the undertaking by such company of the liabilities of the Corporation under any scheme or schemes made under this Part of this Act or any of them.

(15) It shall be lawful for the Corporation from time to time on the recommendation of the committee but subject to the provisions of this Act to alter any portion of any scheme or make any new scheme in lieu of a scheme made under the provisions of this Act but no contributor nor the representatives of any contributor shall by reason of any such alteration be placed in any worse position than if the alteration had not been made.

(16) The Corporation may purchase for and in the name of any person who may become entitled to an annual allowance under subsections (4) and (7) of this section a Post Office or other Government annuity of an amount equal to the amount

A.D. 1913. of the annual allowance to which such person may be so entitled and thereupon all liability of the Corporation to such person in respect of such annual allowance shall cease.

(17) Instead of paying to any contributing member who shall become entitled to an annual allowance under any scheme prepared and approved under this Part of this Act the annual allowance to which he may be entitled the Corporation may by agreement with such member pay to him a sum in gross equal to the then present value of such annual allowance Provided that such value shall be determined by a scale to be approved by the actuary to whom the scheme is submitted under subsection (5) or subsection (7) of this section.

As to
teachers.

87.—(1) For the purpose of this Part of this Act teachers who at the passing of this Act are or hereafter shall be permanently and exclusively employed by the Corporation as the local education authority for the borough or are permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not) or are permanently and exclusively employed in any school college or hostel provided by the Corporation as the local education authority for the purpose of Part II. of the Education Act 1902 (any such teacher in this section being referred to as “the teacher”) shall be deemed to be persons in the employment of the Corporation whom or some of whom (according to their qualifications or conditions of service or otherwise) the Corporation may in their discretion determine to be a class or classes of persons entitled to contribute to and participate in the benefit of any fund established under the provisions of this Part of this Act and upon any such determination such provisions shall apply accordingly Provided that in exercising their discretion under this subsection the Corporation shall not differentiate between classes of teachers on the ground alone that any such class is composed of persons employed in public elementary schools provided by them or in public elementary schools not so provided.

(2) No part of any benefit or superannuation allowance received by any teacher 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) Acts 1898 to 1912 or any rules made thereunder or otherwise.

(3) In the application of the provisions of this Part of this Act to any teacher who being entitled so to do did not accept the said Acts of 1898 to 1912 the Corporation may in their discretion restrict his interest in and benefit under the said provisions to such interest and benefit as he would have been entitled to if he had been a teacher to whom the said Act did apply. A.D. 1913.

88. The following provisions shall have effect with respect to every sum by way of pension superannuation allowance gratuity and allowance (in this section referred to as a "grant") payable by the Corporation to any person (in this section referred to as the "pensioner") :— Assign-
ment &c.

- (1) Every assignment of and charge on a grant and every agreement to assign or charge a grant shall except so far as made for the benefit of the family of the pensioner be void and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors :
- (2) Where any parochial relief is given to a pensioner or to any one whom he is liable to maintain the Corporation may pay the whole or any part of the grant to the guardians or other authority giving the relief and the same when so paid may be applied in repayment of any sums expended in such relief and subject thereto shall be paid or applied by the guardians or other authority to or for the benefit of the pensioner :
- (3) If the pensioner neglects to maintain any person whom he is liable to maintain the Corporation may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person :
- (4) If the pensioner appears to the Corporation to be insane or otherwise incapacitated to act the Corporation may pay so much of the grant as the Corporation think fit to the institution or person having the care of the pensioner and may pay the surplus (if any) or such part thereof as the Corporation think fit for or towards the maintenance and benefit of the wife or relatives of the pensioner :
- (5) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant then if the Corporation so direct probate or

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—

other proof of the title of the personal representative of the deceased may be dispensed with and the sum may be paid or distributed to or among the persons appearing to the Corporation to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons or in the case of the illegitimacy of the deceased pensioner as the Treasury may direct and the Corporation and any officer of the Corporation making the payment shall be discharged from all liability in respect of any such payment or distribution :

- (6) If the total estate of any deceased pensioner of the Corporation after deduction of debts and funeral expenses exceeds one hundred pounds any moneys which may under the provisions of the last preceding subsection of this section be paid or distributed by the Corporation to or among any person or persons other than the legal personal representative of such deceased pensioner shall notwithstanding such payment or distribution be for the purposes of estate duty treated as passing under the will or intestacy of the deceased pensioner :
- (7) The Corporation before paying or distributing any moneys due to any deceased pensioner to or among any person or persons other than the legal personal representative of such deceased pensioner shall require —

Where the total estate of the deceased pensioner including the amount of such moneys does not after deduction of debts and funeral expenses exceed the value of one hundred pounds a declaration to that effect by the claimant or one of the claimants or other the person or persons to or among whom the Corporation see fit to pay or distribute such moneys ;

Where the total estate of the deceased pensioner including the amount of such moneys but after deduction of debts and funeral expenses exceeds one hundred pounds the production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy or succession duty payable in

respect of such moneys or of a certificate stating that no legacy or succession duty is payable: A.D. 1913.

(8) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the Corporation seems expedient:

(9) Where a payment is made to any person by the Corporation in pursuance of this section the receipt of that person shall be a good discharge for the sum so paid:

(10) The Corporation may with the consent of the Local Government Board make rules with respect to declarations to be taken for any purpose relating to grants payable by them and while any such rules so made are in force a person shall not be entitled to receive any sums in respect of a grant payable by the Corporation until any declaration required by those rules has been made. Any person who makes a wilful mis-statement of material fact in any such declaration shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour not exceeding three calendar months.

89.—(1) (A) In the application of the provisions of this Part of this Act to any person entitled to receive or receiving any sum by way of annuity pension superannuation allowance gratuity or other allowance under the provisions of any public general Act passed or to be passed (any of which are in this section referred to as “grant”) the amount of the benefits to accrue to such person upon retirement under the provisions of this Part of this Act shall (if the amount of the grant which such person may receive as aforesaid is less than the amount of such benefits) be complementary to the amount of such grant and the contributions to be made to the fund by or in respect of such person shall be calculated upon the amount of his salary or wages less such part or proportion or fixed sum as the Corporation shall determine so to be requisite in order to make the benefit to accrue in respect of such contributions under the provisions of this Part of this Act and the total amount of the grant received by such person together equal to the amount

Limitation of benefits under certain circumstances.

A.D. 1913. — which he would have been entitled to receive upon his retirement under this Part of this Act if the said public general Act did not apply to him and the benefit to accrue to such person under this Part of this Act shall be in proportion to contributions so made.

(B) For the purpose of giving effect to the provisions of this subsection the Corporation shall by resolution from time to time determine the part or fixed sum to be deducted as aforesaid from the salary or wages of such person.

(2) If the amount of the grant which such person may receive is more than the amount of such benefits no contributions shall be made to the fund by or in respect of such person and no benefits shall accrue to him under this Part of this Act.

PART XIII.

FINANCIAL PROVISIONS.

Power to borrow.

90.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely):—

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(A) For and in connexion with the construction of the tramways authorised by this Act.	£ 21350	Thirty years from the date or dates of borrowing.
(B) For the provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramways authorised by this Act.	5400	Twenty years from the date or dates of borrowing.
(C) For the provision and equipment of omnibuses.	5000	Five years from the date or dates of borrowing.
(D) For the purchase of lands for and for and in connexion with the construction of the street works authorised by this Act.	49000	Sixty years from the date or dates of borrowing.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the other purposes of Part II. of this Act and may with the consent of the Local Government Board borrow such money as they may from time to time require for and in connexion with their markets and fairs undertaking and such further money as may be necessary for any of the other purposes of this Act Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board with whose consent it is borrowed. A.D. 1913.

91. The yearly sums for the repayment of principal and for the payment of interest on the various sums borrowed under the provisions of this Act shall be provided by the Corporation in the manner following (that is to say):— Funds or rates out of which interest and repayment of borrowed moneys has to be provided.

(1) As to money borrowed for the purposes (A) (B) and (C) mentioned in the section of this Act whereof the marginal note is "Power to borrow" and any money borrowed for the purposes of Part II. of this Act out of the revenue of the tramway undertaking (including any revenue derived from the working of omnibuses) and out of the borough fund and borough rate:

(2) As to money borrowed for the purpose (D) mentioned in the said section out of the district fund and general district rate:

(3) As regards money borrowed with the consent of the Board of Trade or of the Local Government Board out of such fund or revenue as the Board sanctioning the loan may prescribe.

92.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their tramway water electricity markets and fairs omnibus or trolley vehicle (if the same be established) undertakings respectively and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one-third of the amount of the before-mentioned expenses for the immediately preceding financial As to temporary borrowing.

A.D. 1913.

— year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Corporation authorising such borrowing *pari passu* with any corporation stock bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

- (A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within two months after the expiration of such financial year :
- (B) The treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require :
- (c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and fourteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered

to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary. A.D. 1913.

93.—(1) The Corporation shall keep separate accounts of the receipts and expenditure in connexion with the provision equipment and working of omnibuses distinguishing therein capital from revenue. Separate accounts of omnibus undertaking to be kept.

(2) Save as aforesaid any revenue derived from the omnibus undertaking shall be deemed to be and shall be treated as revenue of the tramway undertaking of the Corporation and any loss incurred upon or in connexion with the omnibus undertaking shall be met out of the revenue of the tramway undertaking or out of the borough fund.

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

(A) To borrow for the purpose of paying off any principal moneys previously borrowed which are intended to be forthwith repaid; or

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

Power to re-borrow.

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

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

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

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

A.D. 1913.

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

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

(5) Section 50 (Power to re-borrow) of the Act of 1899 is hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Amendment
of section
176 of Act
of 1901.

95. Notwithstanding anything contained in section 176 (Funds or rates out of which interest and repayment of borrowed moneys is to be provided) of the Act of 1901 all moneys borrowed for so much of the purposes (A) mentioned in that section as were borrowed in respect of the purchase of land for the construction of the electricity generating station of the Corporation and are outstanding at the date of this Act shall with the interest accruing thereon from that date be provided by the Corporation out of the revenue of their electricity undertaking in accordance with paragraphs (B) and (C) of section 7 (Application of money received by local authority as undertakers) of the schedule to the Electric Lighting (Clauses) Act 1899 and shall cease to be provided out of the tramways revenue.

Amendment
of section
179 of Act
of 1901.

96. Section 179 (Power to include lands &c. in mortgages) of the Act of 1901 shall be read and have effect as if the following words were added at the end of that section:—

Any lands estates undertakings and other property of the Corporation so mortgaged or charged shall in the hands of any purchaser or other person taking the same under sale lease or other disposition be absolutely freed from the charge of principal moneys and such person shall not be concerned to see to the application of the purchase or other money or be answerable for any loss or misapplication thereof.

As to trans-
fers of mort-
gages.

97.—(1) There shall be kept at the office of the Corporation a register of transfers of mortgages granted under the provisions of section 39 (Security for principal moneys) of the Act of 1899 and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and

descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee. A.D. 1913.

(2) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

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

PART XIV.

MISCELLANEOUS.

98. If the Corporation obtain any Order or Orders in Council under the provisions of the Statute Law Revision Act 1883 applying all or any of the provisions of the Judicature Acts 1873 to 1910 with or without modification to proceedings in the Derby Borough Court of Record any rules made thereunder may provide for the repeal revocation or varying in relation to the said court of all or any of the provisions of any Act (having application to the said court at the date of any such Order in Council) which has the effect of a local or personal Act. As to
procedure
in Derby
Borough
Court.

99.—(1) Notwithstanding anything contained in the Public Health Act 1875 the Corporation may from time to time wherever and whenever it is reasonably necessary for them so to do lay down or place any sewer or drain or water main or pipe or electricity main wire or cable or construct any culvert for the conveyance of water under or over any canal in the borough doing as little damage as may be and may from time to time repair alter or remove any such sewer drain main wire cable pipe or culvert and for the purpose of executing any of the foregoing powers of this section may enter on such lands of the owner of such canal as may be reasonably necessary and for the purpose of laying down or constructing repairing or maintaining such sewer drain main wire cable or pipe or constructing such culvert (but not otherwise) may from time Power to
place pipes
under or
over canals.

A.D. 1913.

to time break up the soil or surface of any such lands but all works done by the Corporation by virtue of the powers of the present section shall be done under the superintendence and to the reasonable satisfaction of and according to such plans and at such times only as shall be reasonably approved by such owner but in all things at the expense of the Corporation and in case of any difference arising as to the reasonable necessity for the Corporation to execute or do any work or thing under this section or touching the mode of executing or doing any such work or thing the same shall be determined by arbitration.

(2) The Corporation shall make full compensation to the owner or occupier of any such canal in respect of any damage sustained by him by reason of the exercise of the powers of this section and any dispute as to the fact of damage or as to the amount of compensation shall be settled by arbitration.

(3) (A) Notwithstanding anything contained in this section or in the Public Health Act 1875 or any other Act the owner of such canal may erect buildings upon any lands adjoining the canal and belonging to him through over or under which the Corporation may have laid down or placed any sewer drain main wire cable pipe or culvert in connexion with or continuation of any sewer drain main wire cable pipe or culvert laid under or over the canal under the provisions of this section or may make other use of the surface of such lands but such owner shall take all such reasonable precautions and at the request and expense of the Corporation shall execute all such works as shall be reasonably necessary to protect any such work or works of the Corporation and shall afford at the like expense such reasonable means of access for the purpose of maintenance alteration and repair of any such work or works as the Corporation may require.

(B) Before commencing the erection of any building or the user of such lands in any manner which might injuriously affect any such work or works of the Corporation the owner shall give one month's notice in writing to the Corporation of his intention so to do and any such work carried out by the said owner shall be done under the superintendence and to the reasonable satisfaction of the Corporation who shall repay any additional expense incurred in meeting their requirements or if the Corporation determine to remove and reconstruct such work or works in any altered position to be reasonably approved

by the owner such owner shall afford all reasonable facilities to the Corporation for so doing. A.D. 1913.

(4) Any matter to be determined by arbitration or any dispute or difference arising between the Corporation and the owner or occupier of any such canal with reference to the provisions of this section shall be determined by arbitration by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(5) The provisions of section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 shall (so far as those provisions are applicable and so far as they relate to the Postmaster-General) extend and apply to the laying down construction or placing of electricity mains wires or cables under this section.

100.—(1) The Corporation may from time to time appoint fit and proper persons to be deputy medical officer of health and deputy surveyor of the borough respectively during their pleasure and all things required or authorised by law to be done by or to the medical officer or the surveyor may be done by or to the deputy medical officer of health and the deputy surveyor so appointed respectively. Appoint-
ment of
deputies for
certain
places.

(2) The Corporation may appoint as deputy registrar of the Derby Borough Court of Record any person qualified to hold the office of registrar of that court and all things required or authorised by law to be done by or to the registrar of that court may be done by or to such deputy registrar.

101. The Corporation may make such reasonable charges as they may think fit for the use of any portion of the Arboretum or of any of their recreation grounds set apart for the purposes of cricket football or any other game or recreation under the provisions of section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 and they may also make such further charge as they may think fit for the admission of the public thereto respectively while so set apart. Power to
charge for
portions of
Arboretum
&c. set apart
for games.

102. The Corporation may close to the public and may reserve the exclusive use of any swimming-bath belonging to them and may grant the use thereof to any company body or person (either gratuitously or for payment) for swimming contests practices or exhibitions of aquatic exercises or for any Use of
swimming-
baths for
exhibitions
and enter-
tainments.

A.D. 1913. — other entertainment or for meetings and may demand and take or authorise to be demanded and taken such sums for the exclusive use of such baths or for admission of persons thereto as they may think fit Provided that (subject to the provisions of the section of this Act of which the marginal note is "Use of swimming-baths during winter") no such swimming-bath shall be closed under the powers of this section before six o'clock in the evening for more than six days or for more than three consecutive days at any one time in any year but after six o'clock in the evening such bath may be closed on such days as the Corporation may in their absolute discretion determine.

Use of swimming-baths during winter.

103. The Corporation may from the first day of October to the first day of May close and cover over any swimming-bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1849 to 1899 or any Act amending the same.

Certain sections of Acts of 1899 and 1901 to apply.

104. The following sections of the Act of 1899 and of the Act of 1901 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say):—

Act of 1899.

- Section 34 (Inquiries by and expenses of Local Government Board);
- Section 35 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 36 (Protection of lender from inquiry);
- Section 37 (Appointment of receiver);
- Section 38 (Application of money borrowed);
- Section 56 (Expenses of execution of Act);
- Section 57 (Application of revenue);
- Section 64 (Audit of accounts):

Act of 1901.

- Section 122 (Power to alter steps areas pipes &c.);
- Section 124 (Temporary stoppage of streets);
- Section 125 (Lands laid into streets to be public highways);

- Section 133 (Purchase of easements); A.D. 1913.
 Section 134 (Correction of errors in deposited plans and books of reference &c.);
 Section 135 (Owners may be required to sell parts only of certain lands and buildings);
 Section 136 (Power to retain sell &c. lands);
 Section 137 (Proceeds of sale of surplus lands);
 Section 203 (Compensation how to be determined);
 Section 204 (As to appeal);
 Section 205 (Recovery of penalties);
 Section 207 (Damages and charges to be settled by justices);
 Section 208 (Judges not disqualified):

Provided that in the application of section 135 of the Act of 1901 that section shall be read and have effect as if the properties described in the schedule to this Act were therein referred to instead of the properties described in the Fourth Schedule to that Act.

105. The provisions of the following sections of the Public Health Act 1875 (namely):— Confirmation of byelaws.

- Section 182 (Authentication and alteration of byelaws);
 Section 183 (Power to impose penalties on breach of byelaws);
 Section 184 (Confirmation of byelaws); and
 Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applied by this Act and except byelaws made under the section of this Act of which the marginal note is "Byelaws as to leading or driving cattle."

106. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove Evidence of appointments authority &c.

A.D. 1913.

any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach of conditions of consent of Corporation.

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

In executing works for owner Corporation liable for negligence only.

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

Apportionment of expenses in case of joint owners.

109. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

110. Section 168 (Form and service of notices by Corporation) of the Act of 1879 shall be read and have effect as if the words "under this or any other Act or any byelaw" were omitted therefrom.

A.D. 1913.
Amendment of
section 168 of
Act of 1879.

111. Proceedings for the recovery of any demand made under the authority of this Act or under the authority of the Act of 1877 the Act of 1879 the Derby Corporation Act 1882 the Act of 1899 or the Act of 1901 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery
of demands.

112.—(1) Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act the Act of 1877 the Act of 1879 the Derby Corporation Act 1882 the Act of 1899 the Act of 1901 or the Public Health Acts or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 the Municipal Corporations Acts the Electric Lighting Acts 1882 to 1909 the Electric Lighting (Clauses) Act 1899 or the Tramways Act 1870 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Informations
by whom to
be laid.

(2) Section 200 (Informations by whom to be laid) of the Act of 1901 is hereby repealed.

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

Penalties to
be paid over
to treasurer.

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

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

A.D. 1913.

—
Saving for
indictments
&c.

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

Crown
rights.

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

Powers
of Act
cumulative.

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

Costs of Act.

118. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate.

The SCHEDULE referred to in the foregoing Act.

A.D. 1913.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE
TAKEN.

PROPERTIES WITHIN THE BOROUGH OF DERBY.

Nos. on deposited Plans.

4 5 6 7 8 9 10 11 12 16 17 18 19 20 32 34 35 36 37 38 39 40 41 42
43 56 57 58 59 60 61 62 75 76 80 87 88 90 95 97 98 104 111 115.

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