

[1 & 2 GEO. 6.]

*Crewe Corporation  
Act, 1938.*

[Ch. xxx.]



## CHAPTER xxx.

An Act to empower the mayor aldermen and burgesses of the borough of Crewe to construct street works and waterworks and to empower the said mayor aldermen and burgesses to acquire lands for those and for other purposes to confer further powers on the Corporation with reference to the supply of water and electricity to make further provision for the improvement health local government and finance of the borough and for other purposes.

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[23rd June 1938.]

**W**HEREAS the borough of Crewe (hereinafter called "the borough") is a municipal borough under the local government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas it is expedient to empower the Corporation to construct the street works in this Act referred to:

And whereas the Corporation are the owners of waterworks and are supplying water throughout the borough with the exception of certain properties belonging to the London Midland and Scottish Railway Company which are supplied with water by that Company:

And whereas it is expedient that the sources of water supply of the Corporation should be extended

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and improved and that the Corporation should be authorised to construct the waterworks described in this Act and that the powers contained in this Act in relation to the supply of water should be conferred on the Corporation :

And whereas it is expedient to empower the Corporation to acquire lands for the purposes of the said street works and waterworks and for the other purposes referred to in this Act and also to confer further powers upon the Corporation with reference to the development of lands acquired by them in connection with the said street works and other lands :

And whereas the Corporation are the owners of an electricity undertaking and supply electricity throughout the borough and in adjoining places and it is expedient to confer further powers upon the Corporation with reference to their electricity undertaking and the supply of electricity by them :

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

And whereas it is expedient to make further provision in regard to the finances of the Corporation :

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 following purposes :—

The construction of the street works authorised by this Act - - -	£
The levelling paving draining and laying out of the lands referred to in paragraph (b) of the section of this Act of which the marginal note is "Power to take lands" - -	99,352
The construction of the waterworks authorised by this Act - - -	10,967
The provision of water mains and other waterworks purposes - - -	45,000
	10,000



And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

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And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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Geo. 5. c. 51.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also 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 county council of the administrative county of Chester which plans sections and book of reference are in this Act 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 and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

## PART I.

### PRELIMINARY.

1. This Act may be cited as the *Crewe Corporation Act 1938.* Short title.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street works.

Part IV.—Waterworks.

Part V.—Water supply.

Part VI.—Electricity.

Part VII.—Streets buildings sewers and drains.

Part VIII.—Disease and sanitary provisions.

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PART I.  
—cont.

- Part IX.—Food.  
Part X.—Sale of coke &c.  
Part XI.—Weighing machines.  
Part XII.—Finance.  
Part XIII.—Miscellaneous.

Incorporation of  
Acts.

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

(a) The Lands Clauses Acts with the following exceptions and modification:—

8 & 9 Vict.  
c. 18.

(i) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act;

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

8 & 9 Vict.  
c. 20.

(b) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the waterworks authorised by this Act and “the centre of the railway” means in the case of the reservoir the boundary of the reservoir and in the case of the pumping station the centre of such pumping station.

(2) In the construction of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 the expressions “the promoters of the undertaking” “the undertakers” and “the company” mean respectively the Corporation.

Interpre-  
tation.26 Geo. 5. &  
1 Edw. 8.  
c. 49.

4.—(1) 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 Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.



(2) In this Act unless the subject or context otherwise requires—

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PART I.  
—cont.

“The borough” means the borough of Crewe;

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

“The council” means the council of the borough;

“The town clerk” “the surveyor” “the treasurer” “the medical officer” and “the sanitary inspector” mean respectively the town clerk the surveyor the treasurer the medical officer of health and any sanitary inspector of the borough;

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

“The county council” means the council of the administrative county of Chester;

“The Nantwich Gas Undertakers” means the urban district council of Nantwich or other the undertakers for the time being authorised to supply gas in the limits of supply for gas of the urban district council of Nantwich as existing at the date of the passing of this Act;

“The street works” means the works authorised by Part III of this Act;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

9 & 10 Geo. 5.  
c. 57.

“The Act of 1936” means the Public Health Act 1936;

“The Act of 1933” means the Local Government Act 1933;

“The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The water undertaking” means the water undertaking of the Corporation;

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PART I.  
—cont.

“The waterworks” means the waterworks authorised by Part IV of this Act;

“The water limits” means the limits within which the Corporation are for the time being authorised to supply water;

“The electricity undertaking” means the electricity undertaking of the Corporation as from time to time authorised;

“The electricity limits” means the area within which the Corporation are from time to time authorised to supply electricity;

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

18 & 19  
Geo. 5. c. 31.

“Food” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;

“The undertakings of the Corporation” means the water undertaking and electricity undertaking and any other undertakings of the Corporation as from time to time existing from which revenue is derived;

“Statutory borrowing power” includes a power of borrowing conferred upon the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;

38 & 39 Vict.  
c. 83.

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Corporation;

“Authorised security” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant



create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

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PART I.  
—cont.

“Revenues of the Corporation” means revenues of the Corporation within the meaning of Part IX of the Local Government Act 1933;

“The Minister” means the Minister of Health;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878.

41 & 42 Vict.  
c. 76.

5. The provisions of Parts IV and V of this Act shall be executed by the Corporation with the powers and indemnities and according to the provisions of the Act of 1936 and that Act shall in relation to the Corporation and the several objects and purposes of Parts IV and V of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Act of 1936 so far as the same shall be applicable thereto and except so far as any of the provisions of the last mentioned Act are expressly varied or otherwise provided for by this Act.

Saving for powers under Public Health Acts.

## PART II.

### LANDS.

6.—(1) Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require—

Power to take lands.

(a) for the purposes of the street works together with the subsidiary works thereby authorised and for the improvement and development of frontages or of any lands abutting on or adjacent to any street;

(b) for the purposes of parking places on land abutting on or adjacent to and lying to the west of Sandbach Street and between Victoria Street Delamere Street and the intended frontage line (on the easterly side) of a new street (Street Work No. 15) at a distance

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PART II.  
—cont.

200 feet or thereabouts in a westerly direction from Sandbach Street and approximately parallel thereto;

(c) for the purposes of the waterworks.

21 & 22  
Geo. 5. c. 43.

(2) For the purposes of section 90 of the Road Traffic Act 1930 any parking place provided by the Corporation on the lands described in paragraph (b) of subsection (1) of this section shall be deemed to be a parking place provided by them pursuant to the powers conferred by section 68 of the Public Health Act 1925 and which may be used by public service vehicles and the provisions of that section 90 (other than subsections (1) (7) and (9) thereof) shall apply accordingly.

15 & 16  
Geo. 5. c. 71.

Health Act 1925 and which may be used by public service vehicles and the provisions of that section 90 (other than subsections (1) (7) and (9) thereof) shall apply accordingly.

Period for compulsory purchase of lands.

7. The powers granted by this Act for the compulsory purchase of lands shall cease as respects the lands required for the street works on the first day of October one thousand nine hundred and forty-three and as respects all other lands on the first day of October one thousand nine hundred and forty-one.

Correction of errors in deposited plans and book of reference.

8. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction for the place where the land is situate for the correction of such plans or book of reference and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council and the town clerk and shall be kept by them respectively with the other documents to which the same relates and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to



take the lands and execute the works in accordance with such certificate. A.D. 1938.

9. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time and at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

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PART II.  
—cont.  
Power to  
Corpora-  
tion to  
enter upon  
property  
for survey  
and  
valuation.

10.—(1) The Corporation during and for the purpose of the execution of the street works authorised by this Act may break up and also temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same. Temporary  
stoppage  
of streets.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such house.

(3) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company.

(4) Notwithstanding the stopping up of or interference with any street under the powers of this section it shall be lawful for the London Midland and Scottish Railway Company their engineers and workmen and others in their employ to enter upon any such street or to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing any water or gas mains or pipes or other apparatus belonging to the said railway company in or under such street.

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## PART II.

—cont.

Owners  
may be  
required to  
sell parts  
only of  
certain  
properties.

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter in this section referred to as "the said properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment to such remainder he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the whole of the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment to such remainder and if not whether any and



what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

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PART II.  
—cont.

- (4) If the tribunal determines that the whole of the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment to such remainder the owner may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole of such said property the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determines that the whole of the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment to such remainder the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determines that the whole of the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment to such remainder (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determines that the portion of the said property specified in the notice to treat cannot be severed from the remainder

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PART II.  
—cont.

without material detriment to such remainder but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw such notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case think fit and its determination thereon shall be final.

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

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

Persons  
under  
disability  
may grant  
easements  
&c.

**12.** 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.

Extinction  
of private  
rights of  
way.

**13.**—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished except to the extent to which the Corporation shall by resolution otherwise determine.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any



such rights 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.

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PART II.  
—cont.

14. For purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November one thousand nine hundred and thirty-seven 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 or created with a view to obtaining or increasing compensation under this Act.

Compensa-  
tion in case  
of recently  
acquired  
interest.

15. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily for the purposes of the street works the Corporation may after giving to the owner and occupier of the land not less than thirty days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Further  
power of  
entry.

16. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any Government department is required only with such consent.

Compensa-  
tion may be  
in land &c.

17. In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in

Benefits to  
be set off  
against  
compensa-  
tion.

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PART II.  
—cont.

value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the street works or any of them or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Land laid  
into  
streets to  
form part  
thereof.

**18.** All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Power to  
reinstate  
owners of  
property.

**19.** The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any general or local enactment with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to  
Corporation  
to make  
agreements  
with owners  
of property  
&c.

**20.—(1)** The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the said street works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

(2) (a) In any case in which the Corporation propose to enter into an agreement with any person with respect to the sale by the Corporation of any land comprising any part of a street or thoroughfare in or under which any gas or water mains or pipes or other apparatus



belonging to the London Midland and Scottish Railway Company (hereinafter in this section called "the railway company") are for the time being situate the Corporation shall give not less than twenty-eight days' notice in writing to the railway company of their proposal and the railway company shall be entitled on giving notice in writing to the Corporation to require that the position of any such gas or water mains or pipes or other apparatus shall be altered to such position in and such depth below the footway or carriageway of the street or thoroughfare as altered in consequence of such agreement or sale or such other situation as may be reasonable.

(b) The work necessary for effecting any such alteration of position as aforesaid (except the actual laying of any such gas or water mains or pipes or other apparatus) shall be carried out by and at the expense of the Corporation. The laying of any such gas or water mains or pipes or other apparatus shall be undertaken and performed by the railway company at the expense in all things of the Corporation.

**21.** The Corporation on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

**22.—(1)** The Corporation may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands. Before applying to the Minister for his consent under this subsection with respect to any lands outside the borough the Corporation shall give to the county council notice of such application and the county council shall be entitled to make representations to the Minister with respect thereto.

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PART II.  
—cont.Reserva-  
tion of  
water  
rights &c.  
on sale.Power to  
develop  
lands.

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PART II.  
—cont.

(2) The Corporation may use or dispose of the building or other materials of any houses or premises on any lands acquired by them which they may deem it necessary or desirable to pull down.

Retention  
and  
disposal of  
lands.26 Geo. 5. &  
1 Edw. 8.  
c. 51.

**23.**—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation other than lands acquired under any local act applying to the Corporation in any case in which such consent would have been required if this section had not been passed.

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or



conditions payable in respect of or affecting the lands other than the restrictions imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

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PART II.  
—cont.

24.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of their said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

Dwelling-houses for Corporation employees.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

25.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any Act or Provisional Order and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

Powers with reference to leases of surplus lands.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such times and on such terms and conditions as may be determined by the Corporation in their discretion.

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PART II.  
—cont.

(3) Provided that any lease granted by the Corporation in pursuance of this section shall be subject to similar conditions and limitations as are prescribed by the section of this Act of which the marginal note is "Retention and disposal of lands" with respect to leases granted thereunder.

Power to  
Corpora-  
tion to  
advance  
money for  
erection of  
buildings.

**26.**—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under this Act and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended buildings erected thereon.

25 & 26  
Geo. 5. c. 40.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 (2) of the Housing Act 1935 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and the purchaser or lessee.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums then due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will



be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

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PART II.  
—cont.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipt for the premium paid in respect of such insurance to the Corporation when required by them or (if the Corporation so determine) to repay to the Corporation the actual premiums paid by them in keeping such building insured against fire and further to keep the building in good repair.

(6) The Corporation shall have power to enter the building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of the erection of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

### PART III.

#### STREET WORKS.

27. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the street works in the borough hereinafter

Power to  
execute  
street  
works.

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PART III.  
—cont.

mentioned with all proper and necessary junctions connections approaches sewers drains works and conveniences in connection therewith (namely) :—

Street Work No. 1 A widening and improvement of Market Street on the westerly side from Market Square to Chester Street;

Street Work No. 2 A widening and improvement of Chester Street on the southerly side;

Street Work No. 3 A widening and improvement of Prince Albert Street on the westerly side;

Street Work No. 4 A widening and improvement of Market Street on the easterly side including the widening and improvement of the bridge over the London Midland and Scottish Railway (Chester Bridge);

Street Work No. 5 A widening and improvement of Edleston Road on both sides;

Street Work No. 6 A widening and improvement of High Street on the southerly side and of Mill Street on the westerly side;

Street Work No. 7 A widening and improvement of Wistaston Road and Oak Street on both sides respectively;

Street Work No. 8 A new road commencing in Oak Street by a junction with Work No. 7 at a point 171 feet or thereabouts west of Mill Street and terminating 110 feet or thereabouts from the point of commencement in a northerly direction;

Street Work No. 9 A passage-way commencing in Oak Street by a junction with Work No. 7 at a point 265 feet or thereabouts west of Mill Street and terminating by a junction with Work No. 6;

Street Work No. 10 A new road commencing in Oak Street by a junction with Work No. 7 at a point 347 feet or thereabouts west of Mill Street and terminating 155 feet or thereabouts from the point of commencement in a northerly direction;

Street Work No. 11 A widening and improvement of Market Street on the westerly side from its



junction with a passage-way on the north side of Market Square to a point 141 feet or thereabouts to the north of the point of commencement;

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PART III.  
—cont.

Street Work No. 12 A passage-way commencing by a junction with Work No. 11 and terminating by a junction with Market Terrace 199 feet or thereabouts from the point of commencement;

Street Work No. 13 A widening and improvement of Delamere Street on the northerly side;

Street Work No. 14 A widening and improvement of Victoria Street on the southerly side;

Street Work No. 15 A new road commencing in Delamere Street by a junction with Work No. 13 105 feet or thereabouts east of Lawrence Street and terminating in Victoria Street by a junction with Work No. 14;

Street Work No. 16 A new road commencing in Delamere Street by a junction with Work No. 13 24 feet west of Sandbach Street and terminating in Victoria Street by a junction with Work No. 14;

Street Work No. 17 A new road commencing by a junction with Work No. 16 105 feet or thereabouts north of Delamere Street and terminating in Market Terrace by a junction with Work No. 18;

Street Work No. 18 A widening and improvement of Market Terrace on the westerly side;

Street Work No. 19 An improvement of Lawrence Street on the easterly side and Wellington Street on the northerly side.

**28.** The Corporation in constructing the street works may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Power to deviate in construction of street works.

A.D. 1938.

PART III.

—cont.

Subsidiary  
works.

**29.**—(1) Within the limits of deviation shown on the deposited plans the Corporation may in connection with the street works and for the purposes thereof—

- (a) make junctions and communications with any existing street which may be intersected or interfered with by or contiguous to the street works and divert widen or alter the line or level of any existing street for the purpose of connecting the same with the street works or of crossing under or over the same or otherwise;
- (b) alter and remove any drinking troughs lamp-posts railings refuges or other structures erected upon any street or land;
- (c) execute any works for the protection of any adjoining land or buildings;
- (d) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (e) remove alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in carrying out such removal alteration diversion or stopping up.

(2) The Corporation shall not alter divert or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) If under the powers of this section the Corporation provide a sewer in substitution for a private sewer the sewer so provided shall (notwithstanding anything in any Act to the contrary) be deemed to be a private sewer.



**30.**—(1) In connection with the street works authorised by this Act and the other purposes thereof the Corporation may stop up the streets shown on the deposited plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the streets stopped up :

A.D. 1938.

PART III.

—cont.

Stopping  
up of  
streets.

Provided that the Corporation shall not under the powers of this subsection stop up any street unless—

- (a) it is bounded on both sides by houses and lands belonging to the Corporation or acquired by them under the provisions of this Act; or
- (b) the Corporation obtain the consent of the owners lessees and occupiers of the houses and lands abutting on such street.

(2) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

**31.** Within the limits of deviation shown on the deposited plans relating to the street works authorised by this Act the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water gas or electricity to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 278 of the Act of 1936 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to  
alter steps  
pipes  
areas &c.

**32.** And whereas in order to avoid in the execution and maintenance of the street works injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same therefore the

Under-  
pinning of  
houses near  
works.

A.D. 1938.

PART III.  
—cont.

Corporation at their own costs and charges may and if required by the owner or lessee of any such house or building shall (subject as hereinafter provided) underpin or otherwise strengthen the same and the following provisions shall have effect:—

- (1) At least ten days' notice shall except in emergency be given to the owner lessee and occupier or by the owner or lessee of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the owner or lessee of the premises to be underpinned or strengthened shall be sent to the Corporation:
- (3) If any owner or lessee or occupier of any such house or building or the Corporation (as the case may be) shall within seven days after the giving of such notice give a counter notice in writing that he or they disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport:
- (4) The referee shall forthwith upon the application of either party proceed to inspect the house or building and determine the matter referred to him and if he shall decide that such underpinning or strengthening is necessary he may and if so required by the Corporation or such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section:



(6) If any house or building shall have been underpinned or strengthened on the requisition of the Corporation and such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the street works then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of the house or building for such injury provided that the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

(7) Nothing in this section nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 (Compensation in respect of lands injuriously affected by works may be settled either by arbitration or by jury) of the Lands Clauses Consolidation Act 1845 or under any other Act :

(8) Nothing in this section shall repeal or affect the application of section 92 (Parties not to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845.

**33.**—(1) The Corporation may cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

A.D. 1938.  
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PART III.  
—cont.

Carriage-  
ways  
footways  
sewers and  
other  
works.

(2) If under the powers of this section the Corporation provide a sewer in substitution for a private sewer the sewer so provided shall (notwithstanding anything in any Act to the contrary) be deemed to be a private sewer.

A.D. 1938.

## PART III.

—cont.

Application  
of road  
materials  
excavated  
in con-  
struction of  
works.

Period for  
completion  
of street  
works.

For protec-  
tion of  
London  
Midland and  
Scottish  
Railway  
Company.

**34.** Any paving metalling or like materials excavated by the Corporation in the construction of any works authorised by this Part of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

**35.** If the street works are not completed within ten years from the passing of this Act then as from the expiry of that period the powers of the Corporation under this Part of this Act for the execution of the street works shall cease except so far as the same are respectively then completed.

**36.** The following provisions for the protection of the London Midland and Scottish Railway Company (in this section called "the railway company") shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Corporation and the railway company apply and have effect:—

(1) The Corporation shall not purchase or acquire by compulsion any of the lands or property belonging to the railway company coloured red or green on the plan signed by Leonard Reeves on behalf of the Corporation and William Kelly Wallace on behalf of the railway company but the Corporation may purchase and take and the railway company shall sell and grant accordingly an easement or right of using so much of their said lands coloured green as may be necessary for the construction maintenance and user of the street works authorised by this Part of this Act:

(2) The Corporation shall before they commence the construction of so much of Street Works Nos. 4 5 and 6 and any other works in connection therewith or incidental thereto as shall or may pass over adjoin or in any way affect the railway or works of the railway company (in this section referred to as "the works") submit to the principal engineer of the railway company (in this section referred to as "the



principal engineer”) plans sections and specifications of the works for the reasonable approval of the principal engineer and such plans shall show the stages by which it is intended to carry out the works :

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PART III.  
—cont.

If within one month from the submission of such plans sections and specifications the principal engineer does not signify to the Corporation his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof :

- (3) The works shall be constructed only according to such plans sections and specifications as shall be approved as aforesaid or determined by arbitration and under the superintendence (if given) and to the reasonable satisfaction of the principal engineer :
- (4) Before the Corporation commence the construction of the works any temporary works which may in the opinion of the principal engineer be reasonably necessary to ensure the safety of the said railway and works may and shall be carried out by the railway company for the Corporation and any expenses reasonably incurred in connection therewith (including compensation payable to any workmen or the legal representatives or dependants of workmen who may be injured or killed whilst employed by the railway company exclusively in and about such works) shall be repaid by the Corporation to the railway company :
- (5) The new bridge as reconstructed or widened carrying Street Work No. 4 upon or over the lands of the railway company shall after completion be maintained by the railway company and the footways and the carriageway shall be maintained by and at the expense of the Corporation The Corporation shall pay to the railway company a capital sum to be agreed or fixed by arbitration to cover the reasonable cost of the maintenance of so much of the new structure as represents an addition to the existing bridge :

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PART III.  
—cont.

- (6) If during and in consequence of the execution of the works the said railway or any of the works connected therewith or any property of the railway company shall be injured or damaged the railway company may forthwith make good such injury or damage and may recover the amount reasonably expended in so doing from the Corporation :
- (7) The Corporation shall not in executing the works in any manner interfere with the free uninterrupted and safe user of the railway of the railway company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the railway of the railway company or any traffic thereon shall be interfered with by the Corporation contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the railway company all reasonable costs and expenses to which the railway company may be put as well as reasonable compensation for the loss sustained by them by reason of any such interference :
- (8) The Corporation shall be responsible for and make good to the railway company all costs charges losses damages and expenses which may be occasioned to their railway works or property or to any person or persons upon or using the same by reason of the construction of the works or of the failure of any part thereof or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors and the Corporation shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such construction failure act or omission :

Provided that the Corporation shall not incur any liability under this subsection in respect of any failure act or omission which may occur in relation to so much of Street Work No. 4 as is referred to in subsection (5) of this section after the date upon which the



railway company become responsible for the maintenance thereof :

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PART III.  
—cont.

- (9) During the construction of the works and of any of the temporary and other works mentioned in this section the Corporation shall bear and on demand pay to the railway company the expense of the employment by them of such inspectors and watchmen as may be reasonably necessary for inspecting the works and for watching their railway and the works and conveniences connected therewith in consequence of the construction of the works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employ and the Corporation shall at all times give ample facilities to the principal engineer and his assistants or inspectors for full and free access to the works during or after construction and shall also furnish him or them with every information he or they may reasonably require with regard to the works or the methods of construction thereof :
- (10) If by reason of the construction of the works it shall become necessary in the opinion of the principal engineer to add to or alter any signal or signal apparatus on the railway of the railway company the same may be so added to or altered by the railway company and the reasonable expense thereof shall be repaid by the Corporation to the railway company :
- (11) If the railway company shall at any time after the construction of the works desire to widen alter or extend their railway or any of the works or conveniences connected therewith the Corporation shall give to the railway company every reasonable facility for the execution of such widening alteration or extension and any additional expense to which the railway company may be put in carrying out any such widening alteration or extension by reason of

A.D. 1938.

PART III.  
—cont.

the construction of the works shall be repaid to them by the Corporation :

- (12) Any difference which may arise between the Corporation and the railway company or their respective engineers under this section shall be referred to arbitration.

## PART IV.

## WATERWORKS.

Power to  
make water-  
works.

**37.**—(1) Subject to the provisions of this Act the Corporation may make and maintain and from time to time alter renew and reconstruct in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks hereinafter described.

The said waterworks will be situate in the county of Chester and are—

Waterwork No. 1 A pumping station together with a well or wells bores adits headings and other works and conveniences (hereinafter referred to as “the Eaton pumping station”) in the parish of Rushton in the rural district of Northwich in the enclosure numbered in the said parish 138 (part of) on the 1/2500 Ordnance map Cheshire sheet No. XLVIII.2 (edition of 1910);

Waterwork No. 3 A reservoir (hereinafter referred to as “the Gorstyhill reservoir”) in the said parish of Weston in the enclosures numbered in the said parish 8 27 (parts of) 29 and 30 on the 1/2500 Ordnance map Cheshire sheet No. LXIII.1 (edition of 1909):

Provided that the said Waterwork No. 1 shall not be constructed until the Minister on the application of the Corporation has sanctioned the commencement thereof.

(2) In addition to the foregoing waterworks the Corporation may upon lands acquired by them for the purposes of or in connection with the water



undertaking under the provisions of this Act or over which they have or may obtain easements for those purposes make and maintain and from time to time alter renew and reconstruct all such buildings machinery works apparatus and conveniences of whatever character as they may consider necessary or convenient in connection with or subsidiary to the said waterworks or any of them or for obtaining access to or for inspecting maintaining repairing cleansing managing working or using the same or any of them :

A.D. 1938.

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PART IV.  
—cont.

Provided that nothing in this subsection shall exonerate the Corporation from any action indictment or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

**38.** In the construction of the waterworks the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding six feet upwards and to any extent downwards :

Limits of  
deviation.

Provided that the Corporation shall not construct any embankment or wall of the reservoir (Waterwork No. 3) of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition.

**39.**—(1) If the waterworks authorised by this Act and delineated on the deposited plans are not completed within five years from the date of the sanction of the Minister to commence the works then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Period for  
completion  
of water-  
works and  
enlarge-  
ment of  
works.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the said waterworks and plant and in the case of the Eaton pumping station (Waterwork No. 1) make additional wells shafts bores adits headings machinery works and conveniences in connection with such well and pumping station.

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PART IV.  
—cont.Power to  
take waters.

40. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs streams and waters as will or may be taken or intercepted by means of the waterworks authorised by this Act.

Works to  
form part  
of water  
under-  
taking.

41. Subject to the provisions of this Act the waterworks to be constructed by the Corporation under the authority of this Act shall for all purposes be deemed to be part of the water undertaking.

Connecting  
mains.

42.—(1) Before commencing to construct the works authorised by the section of this Act whereof the marginal note is "Power to make waterworks" or any part thereof the Corporation shall take the necessary steps to enable them under the powers conferred by section 119 of the Act of 1936 and the provisions of Part II of that Act made applicable by that section to lay and maintain water mains for the purpose of connecting the Eaton pumping station (Waterwork No. 1) by the said section of this Act authorised with the Gorstyhill reservoir (Waterwork No. 3) by that section authorised and for the purpose of connecting those water mains or that reservoir with existing water mains of the Corporation in the borough and the Corporation shall not complete the construction of the works authorised by the said section of this Act or any part thereof until the statutory conditions and requirements have been complied with and fulfilled for enabling the Corporation to proceed with the laying of water mains for the purposes aforesaid under the said powers and provisions of the Act of 1936.

(2) Any water mains which may be laid by the Corporation in pursuance of the provisions of this section under the said powers and provisions of the Act of 1936 shall after the laying thereof be deemed for all purposes to be part of the undertaking.

Power to  
hold lands  
and  
exercise  
powers for  
protection  
of waters.

43.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the



Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes :

A.D. 1938.

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PART IV.

—cont.

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor (without the approval of the Minister) erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(2) (a) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid with the consent of the road authority which consent shall not be unreasonably withheld carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Act of 1936 with respect to the breaking up of streets for the purpose of laying pipes.

(b) Any question as to whether any such consent as aforesaid is unreasonably withheld shall be determined by arbitration.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

44. The provisions of the Act of 1936 with respect to the breaking up of streets for the purpose of laying pipes shall apply to the construction laying down and maintenance in any streets of any discharge pipes which

Application  
of Act of  
1936.

A.D. 1938.

PART IV.

—cont.

the Corporation may and which they are by this Act authorised to construct or lay down for the purposes of the water undertaking :

Provided that the Corporation shall not lay down any such discharge pipes in through across or under any road bridge or approach of any railway company or a road or bridge vested in the county council except with the consent in writing of such company or the county council as the case may require which consent shall not be unreasonably withheld :

Provided also that the Corporation shall not construct or lay down any discharge pipes within twenty-five yards of any main pipe or other work forming part of the Vyrnwy aqueduct of the Liverpool Corporation.

Discharge of  
water into  
streams.

45.—(1) For the purpose of executing constructing enlarging extending altering repairing cleansing emptying testing or examining any reservoir tank aqueduct line of pipes or other work for the time being belonging to the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch. Provided that any water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration.

(3) The Corporation shall not exercise the powers of this section in respect of any stream watercourse or ditch adjacent to any highway or bridge vested in the county council or into which the surface water from any highway or bridge is drained without the previous consent in writing of the surveyor of the county council and such consent may be given subject to such reasonable terms and conditions as the county council may think fit to impose. Provided that any question as to the reasonableness or otherwise of any such terms and conditions shall be referred to and settled by arbitration.



(4) In the exercise of the powers conferred by this section the undertakers shall comply with the reasonable requirements of any drainage authority having jurisdiction over any river stream ditch or watercourse through which the water so to be discharged will flow in its course to the sea.

A.D. 1938.

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PART IV.  
—cont.

(5) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of a railway company.

46.—(1) In this section—

“the authorised work” means Waterwork No. 1 authorised by this Act;

Provision  
where local  
sources of  
supply  
affected.

“protected source of supply” means—

(i) any well borehole or spring which is situate within a distance of two miles from the centre of the authorised work or from any adit boring or heading forming part of or made in connection with or subsidiary to the authorised work and which exists at the date of commencement of pumping by the Corporation at the authorised work as an effective source of supply or of power in regular use; and

(ii) any stream or part of any stream pond or pool which exists at the date of commencement of pumping by the Corporation at the authorised work as an effective source of supply in regular use and which is dependent wholly or partly for its maintenance and use upon any spring situate within the distance aforesaid;

“owner” means owner for the time being and includes in the case of a protected source of supply being any stream or part of any stream any person who at the date of commencement of pumping by the Corporation at the authorised work derives title through the owner and is entitled to use the water of that stream and in the case of any other protected source of supply any person who at the passing of this Act is a lessee or occupier of that protected source of supply.

A.D. 1938.

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PART IV.  
—cont.

(2) (a) If at any time during the construction or after the completion of the authorised work it shall be agreed between the owner of a protected source of supply and the Corporation or determined by arbitration that the pumping by the Corporation at that work has caused through no default of the owner a diminution or cesser of the supply of water obtainable from that protected source of supply as the same exists immediately before the diminution or cesser of supply or of water power (including in the case of a stream pond or pool a diminution or cesser of the supply of water or of water power from the spring upon which the same is dependent wholly or partly for its maintenance and use) the Corporation shall upon the written request of the owner of that protected source of supply but subject to the provisions of this section afford to him a supply of water equal to the amount of such diminution or to the supply which shall have ceased at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall not be more after than before the occurrence of such diminution or cesser and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(b) Any dispute between the Corporation and the owner under this subsection as to whether any diminution or cesser of supply has or has not been caused by the pumping operations of the Corporation at the authorised work shall be determined by arbitration.

(3) Notwithstanding anything in this section—

(a) The Corporation shall not be under any obligation to afford a supply of water for domestic purposes under subsection (2) of this section in respect of any protected source of supply the water from which was immediately before the diminution or cesser so polluted as to be or to be likely to be injurious or dangerous to health;

(b) The Corporation shall not be under any obligation to afford a supply of water under subsection (2) of this section in respect of any protected source of supply (being a spring or a stream pond or pool which is dependent for its maintenance and use



upon a spring) greater than is together with the supply obtainable from such protected source of supply required for domestic or agricultural purposes or for any purposes (other than domestic or agricultural purposes) for which it is used at the passing of this Act;

- (c) The Corporation shall not be under any obligation to afford a supply of water for any purpose under subsection (2) of this section in respect of any protected source of supply if the owner shall have failed upon written request made to him to afford to the Corporation and their officers and servants at all reasonable times after the passing of this Act and free of cost access to that protected source of supply and such information as the Corporation may reasonably require in regard to the cost to him of operating or utilising that protected source of supply and facilities for ascertaining particulars thereof and the level and quantity or rate of flow of the water therein;
- (d) The Corporation shall not be under any obligation to afford a supply of water under subsection (2) of this section while prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(4) The owner shall grant to the Corporation without payment all such easements and facilities as he lawfully can and as may be necessary for or in connection with the execution of the works required to enable the Corporation to carry out their obligations to him under this section. The Corporation may for the purposes of affording a supply of water under subsection (2) of this section supply water beyond the water limits and carry out all such works within or beyond such limits as may be necessary for that purpose.

(5) The Corporation may if they think fit in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased as aforesaid obtainable from any well borehole pond or pool which constitutes a protected source of supply

A.D: 1938.

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PART IV.  
—cont.

A.D. 1938.

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PART IV.  
—cont.

deepen such well borehole pond or pool or make such borings therein or headings therefrom or carry out such other works as will increase the supply so as to make good the said diminution or cesser and the owner shall without making any charge therefor grant to the Corporation such easements and facilities as he lawfully can and as may be necessary for or in connection with the carrying out of such deepening borings headings or other works and if any such deepening borings headings or other works increase the cost of obtaining or continuing to obtain such supply the Corporation shall pay to the owner the amount of such increase.

(6) The Corporation may if they think fit in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any owner for any loss or damage sustained by him by reason of such diminution or cesser of supply.

(7) (a) The Corporation shall make like compensation to the owner of any protected source of supply to whom they are under obligation to afford a supply of water under the foregoing provisions of this section other than a question which is to be determined by arbitration for any loss or damage sustained by him by reason of such diminution or cesser of supply as aforesaid prior to the Corporation having—

- (i) afforded a supply under subsection (2) of this section; or
- (ii) made good the said diminution or cesser under subsection (5) of this section; or
- (iii) made compensation therefor under subsection (6) of this section.

(b) If it shall come to the knowledge of the owner of any protected source of supply that the supply of water obtainable therefrom is being diminished he shall as soon as reasonably practicable give notice in writing to the Corporation of such diminution and if he shall fail to give such notice the Corporation shall not be liable to make any compensation to that owner under this subsection in respect of that protected source of supply.

(8) The Corporation shall make like compensation to the owner for any loss or damage sustained by him by reason of the exercise of the powers of carrying out



works conferred on the Corporation by subsection (4) or subsection (5) of this section. A.D. 1938.

(9) The amount of any compensation to be made under the last three preceding subsections shall be settled in case of difference by arbitration.

PART IV.  
—cont.

(10) In any case in which the Corporation shall be under an obligation to afford a supply of water under subsection (2) of this section in respect of any protected source of supply the obligation to afford that supply shall also extend and apply to and be for the benefit of the person from time to time occupying the property in which that protected source of supply is situate.

(11) Any question which may arise between the Corporation and the owner as to the quantity time place or manner of any supply to be afforded by the Corporation pursuant to this section or as to whether any protected source of supply was immediately before the diminution or cesser so polluted as to be or to be likely to be injurious or dangerous to health and any other question dispute or difference which may arise between the Corporation and the owner of any protected source of supply under the foregoing provisions of this section shall be determined by arbitration.

(12) The Corporation and the owner of any protected source of supply may enter into and fulfil agreements with reference to the supply of water by the Corporation to that owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to that owner or to the Corporation in relation to that owner.

47. For the protection of the Liverpool Corporation the following provisions shall unless otherwise agreed in writing between the Corporation and the Liverpool Corporation have effect:—

For protection of Liverpool Corporation.

Notwithstanding anything contained in this Act or in the Supply of Water in Bulk Act 1934 or in any Act or Order relating to the Corporation the Corporation shall not afford a supply of water (otherwise than under the provisions of the section of this Act of which the marginal note is "Provision where local sources of supply affected") to any local authority or

24 & 25  
Geo. 5. c. 15.

A.D. 1938.

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PART IV.  
—cont.11 & 12  
Geo. 5.  
c. lxxiv.

person to whom the Liverpool Corporation are for the time being affording a supply of water under section 91 (Power of Corporation to supply water to local authorities and others) of the Liverpool Corporation Act 1921 but nothing in this section shall operate to prevent the Corporation upon the requirement in writing of the Nantwich Rural District Council affording a supply of water to the said council Provided that the Corporation give at least six months' notice in writing to the Liverpool Corporation of their intention to afford such a supply and the Minister after considering all the circumstances of the case (including the said council's then existing sources of water supply and the possibility of the said council developing or utilising other sources of supply) and any representations which may be made to him by the Liverpool Corporation consent to the Corporation affording such a supply.

As to  
interference  
with works  
of electricity  
undertakers.  
45 & 46 Vict.  
c. 12.  
62 & 63 Vict.  
c. 19.

**48.** Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 and such provisions shall be deemed for the purposes of this section to extend to and include any works of such undertakers placed below upon or above ground.

For pre-  
servation of  
scenery.

**49.—(1)** In the execution maintenance and working of the works authorised by this Act in the parish of Rushton in the rural district of Northwich all reasonable regard shall be had to the preservation as well for the public as for private owners of the beauty of the scenery of the said parish and particularly but without prejudice to the generality of this enactment provision shall be made by the Corporation that all mounds of surplus material and spoil arising from or in the course of the construction of the said works shall as soon and as far as practicable be suitably planted with trees which shall when necessary be from time to time renewed by the Corporation Provided that the covering of the mounds



of surplus material and spoil with grass or other vegetation if the disfigurement of the scenery can be thereby concealed shall be deemed a sufficient compliance with this enactment with respect to such mounds.

A.D. 1938.

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PART IV.  
—cont.

(2) Upon any complaint by the county council to a court of summary jurisdiction of the county of Chester of any breach by the Corporation of the provisions contained in this section the court may investigate the matter of such complaint and thereupon make such order including an order as to costs to be paid by either party as the court may think just and the court for the purposes of making such investigation and of making and enforcing such order shall have and exercise all such of the powers contained in the Summary Jurisdiction Acts as are applicable for the purposes aforesaid.

(3) Either party who think themselves aggrieved by any such order may appeal to a court of quarter sessions against such order.

**50.**—(1) In the event of any main connecting Waterworks Nos. 1 and 3 authorised by this Act being laid within any part of the urban district of Nantwich the Corporation as soon as they are in a position to do so shall give notice in writing to the urban district council of Nantwich (in this section called "the council") stating that they are prepared to afford to the council a supply of water in bulk from such main.

Supply of  
water in  
bulk to  
Nantwich  
Urban  
District  
Council.

(2) At any time within twelve months after receiving such notice from the Corporation the council may give to the Corporation a notice in writing requiring the Corporation to give them a supply of water in bulk from such main as from a date specified in the notice not being earlier than three months or later than six months from the giving of the notice such daily quantity of water as may be specified in the notice not exceeding one hundred and fifty thousand gallons per day of twenty-four hours.

(3) At any time and from time to time after giving the notice under subsection (2) of this section the council may by a further notice in writing to the Corporation require that as from a date specified in such further notice not being earlier than three months from the giving of such further notice that the quantity of water to be supplied shall be increased or reduced to such

A.D. 1938.

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PART IV.  
—cont.

other daily quantity as may be specified in such further notice provided that the total quantity so specified shall not exceed one hundred and fifty thousand gallons per day of twenty-four hours.

(4) As from the date specified in the notice under subsection (2) of this section or in any such further notice as aforesaid the Corporation shall supply and the council shall take such supply of water in bulk as the council may from time to time require not exceeding the quantity for the time being so specified.

(5) The price to be paid by the council to the Corporation for water supplied to them under this section shall be such a sum per thousand gallons either with or without the addition of a percentage charge on the capital cost of the works required for affording the supply as failing agreement shall be determined by the Minister and the point at which and the terms and conditions upon which the supply shall (subject to the provisions of this section) be given shall be determined by the Minister and the Minister before determining any question under this subsection shall take into consideration any representations as to such price point of supply and terms and conditions which may be made to him by the Corporation or the council.

(6) As soon as possible after the expiration of every year ending at March thirty-first the Corporation shall render to the council a statement in writing showing the amount payable by the council to the Corporation under this section in respect of that year and the council shall pay to the Corporation the amount so payable within one month after receiving such statement.

(7) The Corporation shall not incur any liability to the council in respect of a failure to supply water under this section if the failure is due to frost unusual drought or other unavoidable cause or accident.

(8) For the maintenance testing cleansing alteration extension or repair of their waterworks the Corporation may after giving (except in cases of emergency) not less than seven days' notice in writing to the council temporarily discontinue the supply of water for such period or periods as may be reasonably requisite.



(9) Any main or other works required for enabling the council to take water from the main of the Corporation shall be laid or constructed by the council but all works for connecting the main or other works of the council with the main or other works of the Corporation shall be executed by the Corporation and the reasonable cost of so doing shall be repaid by the council to the Corporation.

A.D. 1938.

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PART IV.  
—cont.

(10) (a) The water supplied under this section shall be measured by a meter to be placed as near as practicable to the point at which the water is delivered to the council. Such meter shall be provided and fixed by the Corporation in a building or chamber to be erected by them on a site vested in or to be acquired by and at the expense of the council.

(b) The building or chamber shall be under the sole control of the Corporation and shall be maintained by them and the council shall at all times afford to the Corporation such facilities over any lands or property of the council as the Corporation may require for that purpose.

(c) The meter shall be maintained by and at the sole control of the Corporation but the council shall at all reasonable times be at liberty by themselves or their engineer to inspect the meter (on giving to the official of the Corporation having charge of the meter sufficient notice to enable him to have it open for inspection) and to require its accuracy to be tested.

(d) The council shall repay to the Corporation on demand all costs incurred by the Corporation in erecting the said building or chamber and in providing and fixing the meter and of and incidental to any testing of the meter.

(e) The council shall also pay to the Corporation the reasonable costs incurred by the Corporation in maintaining and repairing the said building or chamber and in maintaining and keeping in proper condition and working order and when necessary renewing the said meter and subsidiary apparatus.

(11) (a) The register of any meter or meters provided under this section shall be prima facie evidence of the quantities of water supplied by the Corporation to the council.

A.D. 1938.

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PART IV.  
—cont.

(b) If any such meter at any time registers incorrectly the Corporation on becoming aware thereof shall within a reasonable time repair it or replace it with a correct meter. If the meter is removed for any reason the Corporation shall refix or replace it within a reasonable time.

(12) Any difference arising under this section (other than as to any matter to be decided by the Minister under subsection (5) of this section) shall be determined by arbitration.

For pro-  
tection of  
Northwich  
Urban  
District  
Council.

**51.** Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the urban district council of Northwich (in this section referred to as "the council") shall except so far as may be otherwise agreed in writing between the council and the Corporation apply and have effect (that is to say):—

(1) If at any time during the construction or after the completion of the Eaton pumping station (Waterwork No. 1) authorised by this Act the pumping by the Corporation at the said pumping station shall cause a diminution or cesser of the supply of water then being obtained by the council at their pumping station at Sandyford in the parish of Delamere in the rural district of Northwich (hereinafter referred to as "the Sandyford pumping station") or at their springs and boreholes at Cote Brook in the parish of Utkinton in the rural district of Northwich (hereinafter referred to as "the Cote Brook works") or at both those sources of supply the Corporation shall at the written request and at the option of the council either—

(a) afford to the council from the Eaton pumping station a supply of pure and wholesome water as supplied to consumers in the borough of Crewe equal to the amount of such diminution or to the supply which shall have ceased at such cost or rate (if any) so that the total cost to the council of obtaining their full supply shall not be more after than before the occurrence of such diminution or cesser (as the case may be) and upon



such other terms and conditions (including the point of supply) as may be agreed or failing agreement as may be settled by arbitration ; or

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PART IV.  
—cont.

(b) pay to the council from time to time such sums of money as are equal to the difference between the cost reasonably incurred by the council in obtaining after such diminution or cesser of supply a supply of water equal to that obtained by the council from the Sandyford pumping station or the Cote Brook works or both those sources of supply before such diminution or cesser (including in such cost the annual charges due to the carrying out by the council of any works for deepening the boreholes lowering pumps installing pumps making borings or headings or other works necessary to increase the supply of water obtainable from the Sandyford pumping station or the Cote Brook works or both those sources of supply and the cost if any of the taking by the council of water in bulk otherwise than from the Corporation) and the cost which would have been incurred by the council in obtaining the same supply of water from the Sandyford pumping station or the Cote Brook works or both those sources of supply had no such diminution or cesser occurred :

- (2) In the event of there being a diminution or cesser of the supply of water from the Sandyford pumping station or the Cote Brook works or from both those sources of supply as mentioned in subsection (1) of this section and there being a dispute as to whether such diminution or cesser has been caused by the pumping by the Corporation at the Eaton pumping station the council may at any time without waiting for the determination of the dispute either—

(a) by notice in writing require the Corporation to afford forthwith to the council a supply of water in bulk equal to the amount of such diminution or to the supply which

A.D. 1938.

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PART IV.  
—cont.

shall have ceased on the terms (except as next hereinafter mentioned) mentioned in paragraph (a) of subsection (1) of this section. Provided that if it shall later be agreed or determined by arbitration that the pumping by the Corporation at the Eaton pumping station has not caused the said diminution or cesser the council shall pay to the Corporation for the water supplied to them under this subsection such price or rate as failing agreement may be determined by arbitration in lieu of any sums payable under the said paragraph (a); or

(b) after giving the Corporation notice of their intention so to do execute such works as are mentioned in paragraph (b) of subsection (1) of this section or obtain a supply of water either by utilising any existing plant or by a supply in bulk otherwise than from the Corporation and in the event of it being later agreed or determined that the pumping by the Corporation at the Eaton pumping station has caused the said diminution or cesser the Corporation shall from time to time pay to the council the sums mentioned in paragraph (b) of the said subsection :

- (3) For the purpose of affording a supply of water under paragraph (a) of subsection (1) or under paragraph (a) of subsection (2) of this section the Corporation may supply water beyond the limits of this Act for the supply of water by them and may carry out all such works and do all such things as are necessary for that purpose :
- (4) The council shall grant to the Corporation without payment all such easements and facilities in or under lands vested in the council as may be necessary for or in connection with the execution of any works required to enable the Corporation to afford the council a supply of water under subsection (1) or subsection (2) of this section :



(5) If it shall come to the knowledge of the council that the supply of water obtainable either from the Sandyford pumping station or from the Cote Brook works or from both such sources is being diminished they shall as soon as reasonably practicable give notice in writing to the Corporation of such diminution :

A.D. 1938.

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PART IV.  
—cont.

(6) All sums of money payable by the Corporation to the council under paragraph (b) of subsection (1) or paragraph (b) of subsection (2) of this section shall be paid within two months from the receipt by the Corporation from the council of a statement of account showing the amount payable :

(7) In addition to and apart from any sums payable by the Corporation to the council under paragraph (b) of subsection (1) or paragraph (b) of subsection (2) of this section the Corporation shall make compensation in money to the council for any loss or damage sustained by the council by reason of such diminution or cesser of supply as aforesaid prior to—

(i) the Corporation having afforded a supply under paragraph (a) of subsection (1) or paragraph (a) of subsection (2) of this section ;  
or

(ii) the completion of such works necessary for making good the said diminution or cesser as are mentioned in paragraph (b) of subsection (1) of this section or the taking by the council of water in bulk otherwise than from the Corporation ;

(as the case may be) and the amount of any such compensation shall be settled in case of difference by arbitration :

(8) (1) (a) The Corporation shall before commencing to pump water at the Eaton pumping station provide at the said station and shall at all times thereafter maintain in an efficient state of repair a suitable meter for automatically measuring and recording the quantity of water pumped at that station and a suitable instrument for recording the level of water at that

A.D. 1938.

PART IV.  
—cont.

station and all water pumped at that station shall pass through that meter;

(b) The Eaton pumping station and the meter and instrument thereat and the records thereof shall at all reasonable times be open to the inspection of the engineer to the council or any other officer or person duly authorised in writing by the council and such officer or person may take copies of the said records :

(2) (a) The council shall within a reasonable time after the passing of this Act provide at the Sandyford pumping station and in connection with the Cote Brook works respectively and shall at all times thereafter maintain in an efficient state of repair a suitable meter for automatically measuring and recording the quantity of water pumped at the Sandyford pumping station and a suitable instrument for recording the level of water at that station and a suitable meter for automatically measuring and recording the quantity of water taken by the council from the Cote Brook works for supply and all water so pumped or taken shall pass through those meters respectively;

(b) The Corporation shall repay to the council any expense reasonably incurred by them in providing and installing the said meters and instrument;

(c) The Sandyford pumping station and the Cote Brook works and any meters or instrument provided by the council at that station or those works and the records thereof shall at all reasonable times be open to the inspection of the borough engineer and surveyor to the Corporation or any other officer or person duly authorised in writing by the Corporation and such officer or person may take copies of such records :

(9) Any question or dispute between the council and the Corporation arising on this section including any question or dispute as to whether any diminution or cesser of the supply of water from the Sandyford pumping station



or the Cote Brook works or from both those sources of supply has or has not been caused by the pumping by the Corporation at the Eaton pumping station shall be determined by arbitration.

A.D. 1938.

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PART IV.  
—cont.

## PART V.

### WATER SUPPLY.

52. The Corporation on the one hand and the London Midland and Scottish Railway Company (in this section called "the company") on the other hand may from time to time enter into and carry into effect agreements for the supply by either party to the other of water in bulk and any such agreement may be made either in perpetuity or for an agreed period and otherwise on such terms and conditions as may be agreed between the Corporation and the company.

Agreements  
between  
Corporation  
and London  
Midland and  
Scottish  
Railway  
Company.

53.—(1) Where a person who takes a supply of water for domestic purposes otherwise than by measure is the occupier of stables garages or other premises where horses or motor-cars or other carriages are kept and the water supplied to that person for domestic purposes is used for horses or washing carriages or other purposes in or in connection with such premises the Corporation may—

Charges for  
horses and  
washing  
vehicles.

- (a) if the water so used can be taken from a stand-pipe or tap (not being a stand-pipe or tap within any dwelling-house occupied with such premises) but no hosepipe or other similar apparatus be used in connection with such stand-pipe or tap charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding five shillings for each motor car or carriage beyond the first; or
- (b) if the water so used be used by means of a hosepipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they

A.D. 1938.

PART V.  
—cont.

may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding ten shillings per annum for each motor car or carriage beyond the first.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

(3) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in or in connection with stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter.

Special  
terms for  
supplies to  
caravans  
shacks and  
huts.

**54.**—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or to continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement



by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

A.D. 1938.

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PART V.  
—cont.

**55.** The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per one thousand gallons. Provided that the Corporation shall be entitled to charge for each such supply (other than a supply given under the section of this Act whereof the marginal note is "Special terms for supplies to caravans shacks and huts") such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Price of  
supply by  
measure.

**56.** Any water rate or charge payable to the Corporation in respect of premises within the borough may be collected together with the general rate.

Collection  
of water  
rate &c.

**57.** The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to sell  
meters.

**58.**—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soilpans waterclosets and other fittings as are required or permitted by their regulations (in this section referred to as "fittings") and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Power to  
supply  
water  
fittings.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

A.D. 1938.

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PART V.  
—cont.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows:—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) When a demand note delivered by the Corporation to a consumer includes a sum charged by the Corporation in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;

(c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

As to  
recovery of  
sums due  
for fittings  
&c.

**59.** If the Corporation commence proceedings for the summary recovery of any sum due for a supply of water any other sum due or payable to the Corporation by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of water or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in



the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of water provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

A.D. 1938.

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PART V.  
—cont.

60.—(1) In the case of all premises connected after the passing of this Act with the mains of the Corporation the Corporation may in cases where the communication pipes are laid by the person requiring a supply of water to any premises or by the Corporation at the request of such person require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position (to be reasonably approved by the road authority where the Corporation are not themselves the road authority) in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fail to comply with such requirement the Corporation may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person summarily as a civil debt.

Stop-cocks  
&c. to be  
fitted in  
communi-  
cation  
pipes.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the water limits the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of subsection (1) of section 121 of the Act of 1936 in relation to communication pipes.

(3) The Corporation may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the water limits execute such works on behalf of such person and any expenses incurred by the Corporation in so doing

A.D. 1938.

PART V.  
—cont.Extension  
of power  
to inspect  
premises.  
10 & 11 Vict.  
c. 17.

shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

**61.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any officer of the Corporation duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds. Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Mainten-  
ance of  
common  
pipe.

**62.** When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises 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 waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Separate  
communi-  
cation pipes  
may be  
required.

**63.**—(1) The Corporation shall not be bound to supply with water more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water.

(2) If the owner of any house or part of a house occupied as a separate tenement which is supplied with water by the Corporation when so required in pursuance



of the preceding subsection fail within a period of one month after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Corporation may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

A.D. 1938.

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PART V.  
—cont.

**64.** If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rates in respect of the premises are recoverable. Provided that (except in cases 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 occupier of such house or premises (and if the water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

Power to  
Corporation  
to repair  
communi-  
cation  
pipes.

**65.** Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to  
Corpora-  
tion of  
connect-  
ing or dis-  
connecting  
meters.

**66.** The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer or some other officer of the

Power to  
remove  
meters and  
fittings.

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PART V.  
—cont.

Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Meters in  
streets to  
measure  
water or  
detect  
waste.

**67.**—(1) Subject to the provisions of the Act of 1936 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks 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 break up and interfere temporarily with public and private streets sewers, gas air or water pipes electric lines wires and apparatus.

(2) Provided that the Corporation shall not interfere with—

(a) any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878;

(b) any electric lines or works of the Central Electricity Board except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882.

(3) Provided also that the Corporation shall not exercise the powers of this section in respect of any street drain pipe line wire or apparatus belonging to or maintainable by a railway company without the consent of such company which consent shall not be unreasonably withheld. Any question as to whether in any case such consent is unreasonably withheld shall be determined by arbitration.



(4) Provided also that the Corporation shall not exercise the powers of this section in respect of any main pipe or other apparatus belonging to or maintainable by the Nantwich Gas Undertakers without the consent of those undertakers which consent shall not be unreasonably withheld and any difference which may arise as to whether any consent has been unreasonably withheld shall be referred to and determined by arbitration as hereinafter provided.

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 PART V.  
 —cont.

**68.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847.

Penalty for interfering with valves &c.

**69.** Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

Penalty for closing valves and apparatus.

**70.** The Corporation may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum. Provided that—

Discount for prompt payment of water rates.

- (i) no discount or rebate shall be allowed where the person paying the rates for the supply of water is the owner who is entitled to any allowance for which provision is made by section 129 of the Act of 1936;
- (ii) such discounts or rebates shall be at the same rate under like circumstances to all consumers;

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PART V.  
—cont.

and if and so long as the Corporation allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for rates for the supply of water.

## PART VI.

## ELECTRICITY.

Power to  
break up  
streets.19 & 20  
Geo. 5. c. 17.

**71.** Notwithstanding anything in the Local Government Act 1929 the Corporation may for the purposes of the electricity undertaking break up all streets which (i) are within the electricity limits but outside the borough and (ii) are for the time being repairable by a county council and with respect to those streets the county council shall be deemed to be the local authority within the meaning of the Electricity (Supply) Acts 1882 to 1936 and of the schedule to the Electric Lighting (Clauses) Act 1899 :

Provided that the Corporation shall not construct any substation or transforming station in any road repairable by the county council without the consent of the county council.

Service of  
electricity  
demand  
notes.15 & 16  
Geo. 5. c. 90.

**72.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Supply of  
electricity  
on special  
terms.

**73.** Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person to whom the Corporation are authorised to supply electricity (other than authorised distributors) on the other hand may enter into and carry into effect vary and rescind contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.



**74.** Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions 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 the premises of such consumer and any question as to whether the provisions of this section apply and if so the sum so to be paid shall in default of agreement be determined by arbitration in manner provided by section 28 of the Electric Lighting Act 1882.

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PART VI.  
—cont.As to  
maximum  
power which  
may be  
demanded.

**75.** In any case in which the proper and efficient supply of electricity necessitates the substitution of a new electric line for an electric line situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such electric line is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution :

Power of  
entry for  
substitu-  
tion of  
electric  
lines.

Provided that the Corporation shall not exercise the powers of this section in respect of any premises which form part of the undertaking of any railway company without the previous consent of that company.

**76.**—(1) The powers conferred on the Corporation by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows :—

Further  
powers as to  
entry upon  
premises.

(a) The premises which may be entered shall include all premises in the electricity limits in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Corporation;

(b) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all electric

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PART VI.  
—cont.

fittings on the premises whether belonging to the Corporation or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Corporation or the electricity undertaking or of any regulation or byelaw made thereunder and (where the Corporation are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

The Corporation shall not have any power of entry into any such premises except through an officer duly authorised by the Corporation who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer of the Corporation to any premises which they are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section shall be liable to a penalty not exceeding five pounds.

(3) For the purposes of this section “electric fittings” includes electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(4) The provisions of this section shall not apply to or in respect of any premises (not being a dwelling-house) belonging to a railway company and used for the purposes of their undertaking.

Protection  
of seals &c.  
belonging to  
Corporation.  
34 & 35 Vict.  
c. 41.

**77.** The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

Acquisition  
of land  
for sub-  
stations.

**78.**—(1) The Corporation may be authorised to purchase land within the electricity limits compulsorily for the purpose of the erection thereon (in pursuance



of the powers of the Acts and Orders relating to the electricity undertaking) of a station for transforming converting or distributing electricity by means of an order made by the Corporation and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of sections 161 162 and 174 and paragraphs (a) (b) and (c) of section 179 of the Act of 1933 and of the Sixth Schedule to that Act and the provisions of those sections and that schedule with any necessary modifications shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister :

Provided that anything which under the said provisions of the Act of 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Transport in such manner as he may think fit.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which at that date forms part of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

(3) Nothing in this section or in any order made thereunder shall release the Corporation from any restrictions or conditions imposed by or under any general or local Act for the time being in force.

(4) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of the said section 161 as applied by this section be deemed to have been made by a person upon whom notice is required to be served.

**79.** The placing in the coin box of a prepayment electricity meter used in connection with the consumption of electricity supplied by the Corporation of a coin not being an appropriate current coin of the realm or of

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PART VI.  
—cont.10 & 11  
Geo. 5. c. 80.As to  
electricity  
prepayment  
meters.

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PART VI.  
—cont.

any article not being such a coin shall for the purposes of section 38 of the Gasworks Clauses Act 1871 as incorporated with the Electric Lighting Act 1882 in its application to the electricity undertaking be deemed to be fraudulent abstraction consumption or use of electricity of the Corporation. Provided that no proceedings shall be taken under the said section 38 of the Gasworks Clauses Act 1871 as so incorporated and this section if within seven days after demand payment is made of the amount due to the Corporation.

Charges for  
special  
readings of  
electricity  
meters.

**80.** The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings. Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

As to  
charges for  
fittings.

**81.** If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other payment due to them for the sale hire connection repair or maintenance of meters apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or in respect of the provision of materials and work in connection with the consumption or use of electricity may be included in the same summons and may be recovered summarily as a civil debt provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

## PART VII.

## STREETS BUILDINGS SEWERS AND DRAINS.

As to new  
streets.

**82.**—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street :



Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

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PART VII.  
—cont.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or under the local Acts for the time being in force within the borough.

38 & 39 Vict.  
c. 55.  
55 & 56 Vict.  
c. 57.

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

(4) The provisions of this section shall not apply to any new street laid out by a railway company for the purpose of providing access to any station or depot of such company.

**83.**—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation that a highway within the borough is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the borough can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted:

Stopping  
up and  
diversion of  
highways.

Provided that the Corporation shall not make an application under this section in regard to a road vested in the county council without the consent of the county council which shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

Any such application or order may be made with respect to any length of a highway and in the subsequent provisions of this section any reference to a highway shall be construed as a reference to that length thereof to which the application or order relates.

(2) No order shall be made under subsection (1) of this section unless the court is satisfied that notice

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PART VII.  
—cont.

of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(a) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport and the county council;

(b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as are reasonably sufficient for notifying persons using the highway of the application;

(c) has in the case of a highway in which—

(i) any gas or water mains or other apparatus of the London Midland and Scottish Railway Company are laid been served on that company; or

(ii) any gas mains or other apparatus of the Nantwich Gas Undertakers are laid been served on those undertakers;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such a plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the borough.

(3) On the hearing of such an application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

(4) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the



Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions— A.D. 1938.

PART VII.

—cont.

23 & 24

Geo. 5. c. 38.

(a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;

(b) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal;

(c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

(5) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

(6) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person having a legal interest in that land is produced to and deposited with the court; and

(ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

(7) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court shall forthwith transmit the order to the clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the clerk of the peace shall enrol any documents so

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PART VII.  
—cont.

transmitted to him and any certificates transmitted to him under subsection (6) of this section among the records of quarter sessions.

(8) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the person (if any) by whom the original highway was repairable.

(9) Any application or order under this section—

(a) may include two or more highways which are connected with each other;

(b) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle way or footway.

(10) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

(11) Whenever by reason or in consequence of the stopping up under the powers of this section of any highway any gas or water mains or other apparatus belonging to the London Midland and Scottish Railway Company are rendered derelict useless or unnecessary the court may order that forthwith after such stopping up there shall be paid to the said company by the Corporation such a sum as may be agreed between the Corporation and the company or as failing such agreement may be determined by the court to be the value of the mains or other apparatus so rendered derelict useless or unnecessary and such mains or other apparatus shall thereupon become the property of the Corporation.

(12) Whenever by reason or in consequence of the stopping up of any highway under the powers of this section any apparatus of the Nantwich Gas Undertakers is rendered derelict useless or unnecessary the Corporation shall forthwith pay to those undertakers such sum as may be agreed between the Corporation and the Nantwich Gas Undertakers or as failing agreement shall be determined by arbitration as hereinafter provided to be the value of such apparatus



and such apparatus shall upon such payment become the property of the Corporation.

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PART VII.

—cont.

**84.**—(1) The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport The Corporation shall not exercise the powers of this section in respect of any street situate upon a bridge over the railway of any railway company or upon the approaches thereto without the previous consent in writing of the railway company which consent shall not be unreasonably withheld Any question as to whether in any case such consent is unreasonably withheld shall be determined by arbitration.

Power to vary width of carriage-ways and footways.

(2) Whenever the Corporation in the exercise of the powers of this section shall add to the carriageway of a street any portion of the footway in which there are any electric lines works or apparatus of the Central Electricity Board that board may and shall if so required by the Corporation alter the position of such electric lines works or apparatus to such a depth below the surface of the carriageway or to such a position under the footway as may be reasonable and the Corporation shall repay to that board the reasonable expenses of and in connection with such alteration as aforesaid.

**85.** The Corporation may by order from time to time determine and declare the points or limits at or within which any street existing before the twenty-sixth day of March nineteen hundred and ten is to be taken as beginning and ending :

Power to define streets.

Provided that no determination or declaration by the Corporation under this section shall prejudice or affect—

- (a) any right of the Nantwich Gas Undertakers existing at the date of such determination or declaration to maintain alter or renew any gas mains or other apparatus belonging to them; or

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PART VII.  
—cont.

(b) any right of the London Midland and Scottish Railway Company existing at the date of such determination or declaration to maintain alter or renew any gas or water mains or other apparatus belonging to them.

Crossings  
for horses  
or vehicles  
over  
footways.

**86.**—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from such premises the Corporation may either—

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting

7 Edw. 7.  
c. 53.



any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

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PART VII.  
—cont.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

87. For the protection of the Nantwich Gas Undertakers (hereinafter referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect (that is to say):—

For protection of Nantwich Gas Undertakers.

(1) In this section the expression "apparatus" means and includes all or any mains pipes works or other apparatus belonging to the undertakers:

(2) Not less than twenty-eight days before the Corporation in the exercise of the powers of the section of this Act to which the marginal note is "Power to vary width of carriageways and footways" add to the carriageway of a street any portion of the footway in under or over which any apparatus is for the time being situate the Corporation shall give notice in writing to the undertakers accompanied (in the case of the addition of part of the footway to the carriageway) by a plan and section and the undertakers may if such alteration shall be reasonably necessary and shall if so required by the Corporation alter the position of any such apparatus in under or over such footway to such other position in or under either the carriageway or the footway and at such depth as may be reasonable or the undertakers may carry out such other work as may be reasonably necessary for protecting such apparatus:

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PART VII.

—cont.

- (3) The undertakers shall give to the Corporation not less than twenty-one days' notice of their intention to alter (otherwise than by the requirement of the Corporation) the position of any apparatus under the provisions of subsection (2) of this section and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable and the alteration of the position of the apparatus shall be deemed to be reasonably necessary :
- (4) The Corporation shall repay to the undertakers the reasonable expenses incurred by them of or in connection with the alteration of position under subsection (2) of this section :
- (5) Any difference between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to arbitration.

As to  
pavement  
lights.

**88.**—(1) It shall be lawful for the owner or occupier of any property with the consent in writing of the Corporation to construct in any pavement forming part of any street in the borough any means (in this section referred to as "pavement lights") for the admission of light or air through such pavement to any room or premises situate under or adjoining the same.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.



**89.**—(1) Any person erecting setting up or placing any blind shade covering or awning over any footway shall so erect set up or place the same that no part thereof shall project over any part of the footway which is less than one foot six inches from the outer edge of the kerb of such footway.

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PART VII.

—cont.

Window  
blinds &c.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure in accordance with the requirements of the Corporation the safety and convenience of the public.

(3) Every person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

**90.**—(1) In this section “sign” means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

Signs over  
streets.

(2) (a) If it appears to the Corporation that any sign which is placed over any street at the date of the passing of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(b) For a period of two years from the passing of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the twentieth day of November nineteen hundred and thirty-seven.

(3) (a) After the date of the passing of this Act no person shall without the consent of the Corporation place any sign over any street.

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PART VII.  
—cont.

(b) The consent of the Corporation under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

(4) Any person who (a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (b) after the date of the passing of this Act places any sign over any street without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

(5) The provisions of this section shall not apply to any sign placed over any private street belonging to the London Midland and Scottish Railway Company and forming the approach to any of their stations depots or works.

As to  
barriers in  
streets.

**91.**—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

(3) The Corporation shall not exercise the powers of this section in such manner as to cause obstruction to or interference with the access to or egress from any station or depot of a railway company.



92.—(1) Section 61 of the Act of 1936 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street specified in the byelaws shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression “specifications”).

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PART VII.

—cont.

Elevations  
of new  
buildings.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 61 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(a) approve the specifications; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under the section of this Act of which the marginal note is “As to appeals” shall include the ground that compliance with the Corporation’s decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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PART VII.

—cont.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

Power to  
order alter-  
ation of  
chimneys.

**93.** It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation in pursuance of a report by the medical officer or the sanitary inspector that any smoke gas or vapour from any chimney flue or pipe of a washhouse or outbuilding forming part of or in proximity to a dwelling-house in the borough is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Sanitary  
conveni-  
ences for  
workmen  
engaged on  
buildings.

**94.**—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction maintain such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

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

(3) Nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

1 Edw. 8. &  
1 Geo. 6.  
c. 67.

Powers on  
inspection.

**95.** In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or



works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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PART VII.  
—cont.

**96.**—(1) For the purposes of Part II of the Housing Act 1936 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

Further provisions as to working class houses.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 9 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

20 & 21  
Geo. 5. c. 39.

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house;
- (d) whether the condition of the dwelling-house is or is not due to the wilful default or neglect of the tenant.

**97.**—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Corporation may with the consent in writing of the owner of any building or any bridge over any street attach thereto such

Attachment of lighting brackets and wires to buildings.

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PART VII.

—cont.

brackets wires lamps electric lines and attachments (in this section called "the attachments") as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

(a) any building forming part of an aerodrome;  
or

(b) any building which the owner thereof alleges to be a building of architectural or historic interest; or

(c) any building or bridge owned by any highway authority railway company or gas undertakers;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal in the case of a building owned by gas undertakers to the Board of Trade and in any other case to the Minister of Transport and the Board or Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they or he think fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments :

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.



(5) Where any attachments have been made under this section to any building or bridge the owner of the building or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

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PART VII.  
—cont.

(6) In this section the expression "owner"—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building forming part of an aerodrome means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression "own" shall be construed accordingly  
And—

the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building; and

the expression "aerodrome" means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

**98.** Section 44 (Buildings having insufficient closet accommodation or closets so defective as to require reconstruction) of the Act of 1936 shall with the necessary modifications apply to a part of a house within the borough occupied by a separate family as it applies to the whole of a house.

Closet accom-  
modation  
in houses  
occupied  
by more  
than one  
family.

**99.**—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe within the borough is stopped up the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy the defect and if such notice is not complied with

As to  
drains &c.  
stopped up.

A.D. 1938.

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PART VII.  
—cont.

within twenty-four hours from the service thereof, the Corporation may carry out the works necessary to remedy the defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

## PART VIII.

## DISEASE AND SANITARY PROVISIONS.

Meaning of  
"disease"  
for purposes  
of certain  
sections.

**100.** The diseases to which the sections of this Act of which the marginal notes are "Parents &c. to notify certain diseases" "Power to close schools and exclude children from entertainments" and "Restrictions on attendance at schools and places of assembly" apply are notifiable diseases and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purposes of the section in question or any of them.

Parents &c.  
to notify  
certain  
diseases.

**101.**—(1) As from the commencement of this section any parent or other person having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any disease to which this section applies in any person residing with him or is himself suffering from such a disease and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher



principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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PART VIII.  
—cont.

(2) For the purpose of this section the expression "school" shall include a Sunday school.

**102.**—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of a disease to which this section applies require the closing of any Sunday school or day school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

Power to  
close  
schools and  
exclude  
children  
from enter-  
tainments.

(2) Any person responsible for the conduct or management of any Sunday school or day school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

(3) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

**103.**—(1) As from the commencement of this section no person of or exceeding the age of sixteen years who has the custody charge or care of a child—

Restrictions on  
attendance  
at schools  
and places of  
assembly.

(a) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of a disease to which this section applies; or

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PART VIII.

—cont.

(b) who is suffering from a disease to which this section applies; or

(c) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly without having procured from the medical officer or school medical officer or the medical practitioner attending the child a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Informa-  
tion to be  
furnished  
in case of  
notifiable  
disease.

**104.**—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the existence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

Byelaws  
as to  
stables.

**105.** The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses



(whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

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PART VIII.  
—cont.

**106.**—(1) Section 81 of the Act of 1936 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

Byelaws as  
to tipping  
refuse.

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and a daily penalty not exceeding ten pounds.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Act of 1936 authorised to proceed with respect to a statutory nuisance of the existence of which they are satisfied and sections 93 to 98 inclusive and section 100 of that Act shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 of the Act of 1936 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a daily penalty under the byelaws for the continuance of his offence after conviction and to a penalty under section 95 of the Act of 1936 (as so applied) for failing to comply with an order or contravening an order.

(5) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway or canal company for the purpose of constructing widening or maintaining any railway canal dock or wharf works.

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## PART IX.

## FOOD.

Registra-  
tion of  
premises  
used in  
connection  
with sale of  
ice-cream or  
preserved  
food.

**107.**—(1) As from the commencement of this section no premises shall be used for any of the following purposes (that is to say):—

- (a) the sale or the manufacture for purposes of sale of any commodity consisting of ice-cream or any substance similar thereto or the storage of any such commodity intended for sale; or
- (b) the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

unless the premises are registered under this section for that purpose by the Corporation.

(2) If any person uses any premises in contravention of this section he shall be guilty of an offence and liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

(4) If the Corporation are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section or for which application for registration has been made under this section the Corporation may serve upon—

- (a) the occupier for the time being of the premises or the person on whose application they were registered; or

- (b) the person applying for registration;

as the case may be a notice requiring him to appear before them on such day not being earlier than seven days after the date of the notice as may be specified therein in order to show cause why the Corporation should not for the reasons specified in the notice cancel the registration of the premises for the said purpose or refuse the application and if that person fails to show cause to the satisfaction of the Corporation



why they should not do so the Corporation may cancel the registration of the premises for that purpose or refuse the application. Any such notice shall state the effect of the two next succeeding subsections.

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PART IX.  
—cont.

(5) If the Corporation cancel the registration or refuse the application they shall if required by such occupier or person as aforesaid deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such cancellation or refusal is based.

(6) Any person appealing (under the section of this Act of which the marginal note is "As to appeals") against any decision of the Corporation under this section shall do so within fourteen days after the date of such decision.

(7) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter any premises in the borough to which he has reasonable cause to believe that the provisions of this section apply for the purpose of ascertaining—

- (a) whether there is occurring therein any contravention of the said provisions; or
- (b) in the case of premises which have been registered by the Corporation under this section for any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section:

Provided that in exercising the powers conferred on them by this section at any premises owned or used by a railway company the Corporation shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to or interference with the working of the traffic of the railway thereat and the railway company shall not be liable for any accident or injury happening to any officer servant or agent of the Corporation upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

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PART IX.  
—cont.

(8) For the purposes of this section the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(9) In relation to any premises used as a theatre music hall or cinema this section shall have effect as if in paragraph (a) of subsection (1) of this section the words "the sale or" and the words "or the storage of any such commodity intended for sale" were omitted therefrom.

(10) This section shall not apply in relation to any premises used as a club hotel or restaurant.

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

**108.**—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough who omits on the occurrence of any notifiable disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any person so employed or resident suffering from any notifiable disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the said premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from a notifiable disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from



or on which the same are offered for sale as an officer of the Corporation would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises cart barrow or other vehicle stand pail container or receptacle or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(4) The provisions of this section shall not apply to theatres music halls or cinemas.

**109.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport of food by a railway company the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

**110.**—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis or bacteriological examination he shall forthwith notify to the occupier of such room or his agent his intention to have

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PART IX.

—cont.

Byelaws as  
to food.As to  
inspection of  
premises  
used for  
storage of  
food.

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PART IX.  
—cont.

the same analysed by the public analyst or examined by a bacteriologist appointed by the Corporation or employed by them for the purpose and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed or examined to the public analyst or such bacteriologist.

(2) The expression "public analyst" in this section means the analyst appointed in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

(3) If any such officer as aforesaid has reasonable ground for suspecting that any material commodity or article of food of which he takes a sample under the powers of this section is likely to cause the occurrence of food poisoning he may by notice in writing delivered to the occupier of the room in which such material commodity or article is found or his agent require that such material commodity or article or any part thereof shall not during such time not exceeding forty-eight hours as may be appointed by such notice or during any longer time which may with the consent of such occupier or his agent be appointed by a further notice delivered as aforesaid be removed except to any such place as may be specified in the notice.

As to  
sale of  
food from  
barrows &c.

**111.**—(1) As from the commencement of this section every dealer in any article intended for food vending his wares from any cart barrow or other vehicle or stall or from a basket pail tray or other receptacle used without a cart barrow or other vehicle or stall shall have his name and address legibly painted inscribed or displayed on such cart barrow or other vehicle or basket pail tray or other receptacle or clearly exhibited on such stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings:

Provided that no person shall be liable to a penalty under the provisions of this subsection if the offence is one to which the provisions of section 6 of the Milk

5 & 6 Geo. 5.  
c. 66.



and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907 apply.

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PART IX.

—cont.

7 Edw. 7.

c. 32.

(2) In this section the expression "stall" includes any structure or erection from which food is offered for sale in a street or other open space.

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

Penalty on  
original  
vendor of  
unsound  
food.53 & 54 Vict.  
c. 59.

(2) Where any article of food has been condemned by a justice under the said section 117 as amended by the said section 28 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings

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PART IX.  
—cont.Further  
powers in  
relation to  
unsound  
food.

before the justice and to be heard with his witnesses upon the application for the condemnation of any such article.

**113.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or package whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale for food or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly Provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or package in the possession of such company as carriers thereof.

Power to  
prohibit  
persons in  
advanced  
state of  
tuberculosis  
from selling  
&c. food.

**114.**—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding



forty shillings and to a daily penalty not exceeding ten shillings.

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

**115.**—(1) The market superintendent of the Corporation any officer of the market the sanitary inspector or any constable may remove or exclude from any market of the Corporation any emaciated or diseased animal or poultry which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease.

(2) The veterinary inspector or market superintendent of the Corporation or any officer of the market or the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the time fixed for the closing of the market on the day upon which such animal or poultry is so detained any emaciated or diseased animal or poultry brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

(3) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 the Agriculture Act 1937 (Part IV) or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

**116.**—(1) As from the commencement of this section the following provisions shall have effect in the borough:—

(a) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle; and

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PART IX.

—cont.

As to  
emaciated  
or diseased  
animals.1 Edw. 8. &  
1 Geo. 6.  
c. 70.Registra-  
tion of  
hawkers of  
meat fish  
fruit and  
vegetables  
and  
premises.

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PART IX.  
---cont.

(b) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from any such vehicle or receptacle;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier or intending owner or occupier thereof.

(2) (a) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is so registered as aforesaid.

(b) No premises shall be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless such premises are so registered as aforesaid.

(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) (a) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises are not suitable to be used for the purposes aforesaid :



Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

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PART IX.  
—cont.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction (under the section of this Act of which the marginal note is "As to appeals") against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

(6) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(7) In and for the purposes of this section—

"meat" means the flesh of cattle swine sheep or goats including bacon and ham and

A.D. 1938.

PART IX.  
—cont.

edible offal and fat which is sold or intended for sale for human consumption;

“meat food product” means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

## PART X.

## SALE OF COKE &amp;C.

Application to sale of coke of Weights and Measures Act 1889. 52 & 53 Vict. c. 21.

**117.** As from the commencement of this Part of this Act the provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Penalty on fraudulent sale.

**118.** As from the commencement of this Part of this Act if any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke 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 he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Application of Part X.

**119.** As from the commencement of this Part of this Act the provisions of this Part of this Act relating to coke shall apply to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

## PART XI.

## WEIGHING MACHINES.

As to personal weighing machines.

**120.** As from the commencement of this Part of this Act the following provisions shall have effect:—

- (1) In this section the expression “personal weighing machine” means any weighing machine which is used or exposed for use in the borough for the purpose of ascertaining the weight of



a person (a) for the use of which a charge is made or (b) which is kept in any shop premises or place in the borough to which the public have access :

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PART XI.  
—cont.

- (2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited :
- (3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve months from the commencement of this Part of this Act every person who has in his possession or under his control any personal weighing machine which is not so marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited :
- (4) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding paragraph of this section he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited and if any person knowingly exposes for use any personal weighing machine without any such mark or with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited :
- (5) (a) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the borough and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purposes of such inspection and examination enter any place (whether

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PART XI.  
—cont.

open or closed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine;

(b) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence ten pounds :

(6) The Corporation may make byelaws—

(a) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions under which such marks may be affixed or cancelled;

(b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;

(c) for fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section or for the examination of such personal weighing machines as are found to be incorrect or defective; and

(d) for fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

## PART XII.

## FINANCE.

Power to  
borrow.

121.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow



without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all money so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

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PART XII.  
—cont.

(1)	(2)	(3)
Purpose.	Amount	Period for repayment.
(a) The purchase of lands for the purposes of this Act.	£175,646	Sixty years from the date or dates of borrowing.
(b) The construction of the street works authorised by this Act.	£99,352	Thirty years from the date or dates of borrowing.
(c) The levelling paving and laying out of the lands referred to in paragraph (b) of the section of this Act of which the marginal note is "Power to take lands."	£10,967	Twenty years from the date or dates of borrowing.
(d) The construction of the waterworks authorised by this Act.	£45,000	Thirty-five years from the date or dates of borrowing.
(e) The provision of water mains and other waterworks purposes.	£10,000	
(f) The costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

**122.**—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (to be called "Crewe Corporation bonds") in accordance with the provisions of this Act.

Power to borrow by issue of bonds.

(2) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

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PART XII.

—cont.

62 &amp; 63 Vict.

c. 9.

7 Edw. 7.

c. 13.

54 &amp; 55 Vict.

c. 39.

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(4) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

(5) When the Corporation raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by way of mortgage under that Act and bonds were mortgages within the meaning of that Act.

Application  
of Local  
Government  
Act 1933 to  
existing  
sinking  
funds.

**123.** Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

Use of  
moneys  
forming  
part of  
sinking and  
other  
funds.

**124.** Notwithstanding anything in this Act or any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a capital reserve repairs renewal insurance reserve depreciation contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid out of the general rate fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall



be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

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PART XII.

—cont.

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage or by the issue of bonds under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

**125.** If any money is payable to a stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Receipts in  
case of  
minors.

**126.**—(1) The Corporation may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest by post to the address of such person appearing in the register Provided that if such person give notice to the Corporation that he desires such orders to be sent to another person at a given address the Corporation

Orders for  
payment  
of interest  
by post.

A.D. 1938. may from time to time send the same by post to such other person at such address.

## PART XII.

—cont.

(2) Where more persons than one are registered as joint holders of any authorised security (other than stock) any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of an order for the payment of interest in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order to the registered holder of the authorised security.

45 & 46 Vict.  
c. 61.

(4) Every order so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Con-  
solidated  
loans fund.

**127.**—(1) Notwithstanding anything contained in this Act or in any other enactment the Corporation may if they think fit establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) All moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.



(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

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(a) In the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

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—cont.

(b) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any capital reserve repairs renewal insurance reserve superannuation depreciation contingency or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per

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—cont.

centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) (a) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(b) Any scheme approved under this section may be altered amended or revoked by a scheme approved in like manner and subject to the like provisions as the original scheme.

Capital  
reserve  
fund.

**128.**—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with any of the undertakings of the Corporation as from time to time existing from which revenue is derived) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation may from time to time deem expedient:

Provided that—

(a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the



pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;

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PART XII.

—cont.

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless used or applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (b) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

129.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding the equivalent of a rate of one penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

Renewal  
and repairs  
fund.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed five thousand pounds.

(3) The renewal and repairs fund shall be applicable to meet expenses requisite for the maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith and the maintenance and repair of buildings and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses:

Provided that nothing in this section shall apply to any of the undertakings of the Corporation as from

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PART XII.  
—cont.

time to time existing from which revenue is derived or to buildings in respect of which the Corporation are required by the Housing Act 1936 to keep a housing repairs account.

(4) Any moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the renewal and repairs fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

(5) (a) Pending the application of the renewal and repairs fund to the purposes authorised in subsection (3) of this section the moneys in the fund shall unless used or applied in any other manner authorised by this Act be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

Insurance  
fund.

**130.**—(1) The Corporation may (if they think fit) establish a fund to be called “the insurance fund” with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the happening of any event against which in the absence of that fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall carry to the credit of that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation



fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

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—cont.

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the credit of the fund but if the fund is at any time reduced below fifty thousand pounds the Corporation shall recommence and continue the yearly payments to the credit of that fund in accordance with subsection (3) of this section until the fund be restored to the sum of fifty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the happening of any event against which the fund is intended to provide insurance or are used in the manner authorised by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" all moneys for the time being standing to the credit of the insurance fund shall unless paid into any consolidated loans fund established under the powers of this Part of this Act be invested in statutory securities and the interest or annual proceeds arising shall be invested and accumulated until the fund amounts to the sum of fifty thousand pounds and when and so long as the fund amounts to that sum the interest and

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—cont.

annual proceeds of the securities shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The amounts carried to the credit of the insurance fund and any accretions to that fund shall be included within and shall form part of the general rate fund and shall remain subject to the provisions of the section of this Act of which the marginal note is "Receipts and expenses."

(8) For the purposes of this section the Corporation may if they deem it expedient include in the risks to be covered by the insurance fund risks of accident to any person employed in any school college educational institute or hostel maintained by the Corporation notwithstanding that such school college institute or hostel has not been provided by the Corporation as the local education authority.

(9) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of the happening of any event against which it is intended to provide insurance in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the making up of the deficiency shall for the purposes of the Act of 1933 be a purpose for which the Corporation may borrow. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Receipts  
and  
expenses.

**131.**—(1) Notwithstanding anything in this or any other Act or in any Order all moneys received by the Corporation whether on capital or revenue account



including (but without prejudice to the generality of this provision)—

- (a) all money received on account of the revenue of any of the undertakings of the Corporation;
- (b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a capital reserve repairs renewal insurance reserve depreciation contingency consolidated loans or other similar fund (including any amounts credited to any such fund in pursuance of the sections of this Act of which the marginal notes are respectively "Use of moneys forming part of sinking and other funds" and "Consolidated loans fund");

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

**132.**—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the undertakings of the Corporation and as to revenue shall show under a separate heading or division on the one side all income in respect of the undertaking (including the interest and other annual proceeds received by the Corporation on the investments representing or forming part of any

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—cont.

Accounts.

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—cont.

such fund provided in connection with the undertaking as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses") and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of the sections of this Act of which the marginal notes are respectively "Consolidated loans fund" and "Use of moneys forming part of sinking and other funds";
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) credited to reserves or to a reserve fund provided in respect of the undertaking;
- (f) any money expended or applied for any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings."

(2) The Corporation shall show in their accounts relating to each undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application  
of revenue  
of under-  
takings.

**133.** If in respect of any year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation (including the interest and other annual proceeds received by the Corporation in that year on the investments representing



or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the section of this Act of which the marginal note is "Accounts" the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in the reduction of capital moneys borrowed for the purposes of the undertaking; and
- (b) in the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking.

**134.**—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any of the undertakings of the Corporation by setting aside in any year in which the moneys received by the Corporation on account of the revenue of that undertaking exceed the moneys expended by the Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Act of which the marginal note is "Accounts" such an amount not exceeding a sum equal to that excess as they may from time to time think reasonable and (unless the amounts so set aside are used or applied in any manner authorised by this Act) investing the same in statutory securities until the fund so provided amounts—

- (a) in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking; and
- (b) in the case of any other undertaking to the maximum for the time being prescribed by the Corporation.

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PART XII.

—cont.

Reserve  
funds.

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PART XII.  
—cont.

(2) Any reserve fund which has been provided in respect of any of the undertakings of the Corporation and which is in existence on the first day of April nineteen hundred and thirty-eight shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

(a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Surplus  
electricity  
revenue.  
61 & 62 Vict.  
c. ccvii.

16 & 17  
Geo. 5. c. 51.

**135.**—(1) Article 52 of the Crewe Electric Lighting Order 1898 confirmed by the Electric Lighting Orders Confirmation (No. 8) Act 1898 is hereby repealed and in lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of the section of this Act of which the



marginal note is "Application of revenue of undertakings") (namely):—

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PART XII.

—cont.

If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any fund accumulated for the redemption of debt or as a reserve fund provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) (e) and (f) of subsection (1) of the section of this Act of which the marginal note is "Accounts" then—

(a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure for the time being upon the undertaking the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure the Corporation shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

A.D. 1938.

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PART XII.  
—cont.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

Date of  
operation  
of certain  
sections of  
Part XII.

**136.** The sections of this Act of which the marginal notes are respectively—

“ Reserve funds ”;

“ Receipts and expenses ”;

“ Accounts ”;

“ Application of revenue of undertakings ”; and

“ Surplus electricity revenue ”;

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-eight.

## PART XIII.

## MISCELLANEOUS.

Aerodrome  
under-  
taking.

**137.**—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as “ the aerodrome undertaking ”) they may make such charges in respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith:

Provided that should any such aerodrome or part thereof be established or should any byelaws relating



to it be proposed to be operative within the administrative county of Chester the Corporation one month before submitting for confirmation by the Secretary of State for Air any byelaws under this subsection shall forward a copy of such byelaws to the clerk of the county council who shall submit any objections or representations with respect to such byelaws to the said Secretary of State before the expiration of that period and before confirming such byelaws the said Secretary of State shall consider any objections or representations so submitted.

(3) The aerodrome undertaking shall be subject to the like control by the Secretary of State under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

**138.** The powers conferred by section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 shall within the borough extend to enable the Corporation on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours :

Provided that the Corporation shall not exercise the powers of this section in such a manner as to cause obstruction to or interference with the access to or egress from any station or depot of a railway company.

**139.**—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or a procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held 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 the office of the town clerk thirty-six hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

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PART XIII.  
—cont.Power to  
make  
regula-  
tions as to  
traffic on  
carnival  
&c. days.  
10 & 11 Vict.  
c. 89.Notices of  
processions  
to be given.

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PART XIII.  
—cont.

(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 any person organising or conducting such procession shall be liable to a penalty not exceeding five pounds.

As to  
offences  
in burial  
grounds.

**140.** A person other than an officer of the Corporation or a person or the servant of a person employed by the Corporation in or about any work in connection with the burial grounds belonging to the Corporation shall not except for the purpose of properly tending any grave pluck out or otherwise interfere with any flower plant shrub wreath ornament or other thing on any grave in a burial ground belonging to the Corporation and any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Subscrip-  
tions to  
local  
government  
associations  
and other  
expenses.

**141.** The Corporation may pay out of the general rate fund and general rate—

- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

Recovery  
of rate &c.  
from  
persons  
removing.

**142.** If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any



general rate or any electricity or water rate or charge which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

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PART XIII.

—cont.

**143.**—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936 Provided that no complaint shall be made to a justice under section 99 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

Noise  
nuisance.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means within the meaning of the said Act of preventing or mitigating it have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

(4) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

**144.**—(1) As from the commencement of this section every person who shall within the borough carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose.

Registra-  
tion of hair-  
dressers'  
and  
barbers'  
premises.

(2) The Corporation may make byelaws for the purpose of securing the cleanliness of any premises

A.D. 1938. registered under this section and of the instruments  
towels and materials used in such premises.

PART XIII.

—cont.

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

(4) (a) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on.

(b) Every person who refuses to permit any officer or authorised representative of the Corporation to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

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



**145.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1925 and not entitled to benefits under the Local Government and Other Officers' Superannuation Act 1922 or the Local Government Superannuation Act 1937 grant a gratuity by way either of a lump sum or of periodical payments to the widow or dependants of any employee who may die in their service not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment.

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

**146.** As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be—

(a) in the case of byelaws made under the section of this Act of which the marginal note is "As to personal weighing machines" the Board of Trade;

(b) in the case of byelaws made under the section of this Act of which the marginal note is "Aerodrome undertaking" the Secretary of State for Air;

(c) in all other cases the Minister.

**147.** Whenever the Corporation the surveyor or the sanitary inspector 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 the surveyor or the sanitary inspector 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 the sanitary inspector 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

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PART XIII.

—cont.

Power to grant allowances or gratuities in certain cases.

15 & 16

Geo. 5. c. 84,

12 & 13

Geo. 5. c. 59.

1 Edw. 8 &

1 Geo. 6.

c. 68.

As to  
byelaws.

In executing works for owner Corporation liable for negligence only.

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PART XIII.  
—cont.

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.

Application  
of Arbitra-  
tion Acts  
1889 to  
1934.

**148.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

Breach of  
conditions  
of consent  
of Corpora-  
tion.

**149.** 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.

Apportion-  
ment of  
expenses  
in case  
of joint  
owners.

**150.** 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.

Compensa-  
tion how to  
be deter-  
mined.

**151.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.



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

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PART XIII.

—cont.

Damages  
and charges  
to be  
settled by  
court.

**153.** Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under Part VI (Electricity) Part X (Sale of coke &c.) and Part XI (Weighing machines).

Restriction  
on right to  
prosecute.

**154.**—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part VII (Streets buildings sewers and drains) Part VIII (Disease and sanitary provisions) or Part IX (Food) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

As to  
appeals.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

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PART XIII.  
—cont.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(b) the Corporation shall not execute such work or take such action; and

(c) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

Saving for  
indict-  
ments &c.

**155.** 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.



**156.**—(1) The following sections of the Act of 1936 shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 277 (Power of councils to require information as to ownership of premises);

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

Section 289 (Power to require occupier to permit works to be executed by owner);

Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Section 292 (Power to make a charge in respect of establishment expenses);

Section 293 (Recovery of expenses &c.);

Section 294 (Limitation of liability of certain owners);

Section 295 (Power of local authority to grant charging orders);

Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint &c.);

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative);

Section 329 (Saving for certain provisions of the Land Charges Act 1925):

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PART XIII.

—cont.

Application  
of Act of  
1936.

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PART XIII.  
—cont.

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply in relation to the provisions of Parts VII VIII and IX of this Act.

(2) The following sections of the Act of 1936 shall extend and apply in relation to any public general Act (in addition to the Act of 1936) for the time being in force in the borough as if such sections were re-enacted in that public general Act and in terms made applicable thereto (that is to say):—

Section 284 (Authentication of documents);

Section 286 (Proof of resolutions &c.);

Section 299 (Inclusion of several sums in one complaint &c.).

Inquiries by  
Minister.

**157.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Inquiries by  
Minister of  
Transport.

**158.**—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act.

(2) Section 290 of the Act of 1933 shall apply to any inquiry which the Minister of Transport causes to be held under this section or any other provisions of this Act.

Commence-  
ment of  
certain  
Parts of  
Act.

**159.** Subject to the provisions of the section of this Act of which the marginal note is "Commencement of certain other provisions of this Act" the following Parts of this Act shall not come into operation until the first day of October nineteen hundred and thirty-eight and shall come into operation on that day (that is to say):—

Part VII. Streets buildings sewers and drains;

Part VIII. Disease and sanitary provisions;

Part IX. Food.

Commence-  
ment of  
certain  
other  
provisions  
of this Act.

**160.**—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall



be given by the Corporation by advertisement in one or more local newspapers circulating in the borough. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement. Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

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PART XIII.  
—cont.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the sections of this Act of which the marginal notes are—

“Parents &c. to notify certain diseases”;

“Restrictions on attendance at schools and places of assembly”;

“Registration of premises used in connection with sale of ice-cream or preserved food”;

“As to sale of food from barrows &c.”;

“Registration of hawkers of meat fish fruit and vegetables and premises”;

“Registration of hairdressers’ and barbers’ premises”;

and to Part X (Sale of coke &c.) and Part XI (Weighing machines) of this Act.

(4) As respects any of the said provisions which requires the licensing or registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

(a) was carrying on any such business or using any premises for any such purpose; and

(b) had made application in accordance with the provisions of this Act for such licence or registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has

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PART XIII.  
—cont.

been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of the section of this Act of which the marginal note is "As to appeals."

Notice to  
be given of  
certain  
provisions  
of Act.

**161.**—(1) Public notice of the effect of the sections of this Act of which the marginal notes are—

"Information to be furnished in case of notifiable disease";

"For regulating manufacture and sale of ice-cream &c.";

"Penalty on original vendor of unsound food";

shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

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

Crown  
rights.

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

Saving  
rights of  
Duchy of  
Lancaster.

**163.** Nothing contained in this Act shall extend or operate to authorise the Corporation to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy.

For pro-  
tection of  
Chester  
Corpora-  
tion.

**164.**—(1) Notwithstanding anything contained in this Act the Corporation shall not take use or interfere with any electricity works or apparatus of the mayor aldermen and citizens of the city and county of the city of Chester (in this section referred to as "the Chester



Corporation”) nor without the consent in writing of the Chester Corporation (which shall not be unreasonably withheld) construct any of the waterworks authorised by Part IV of this Act within twenty-four feet of any post or pole (including the foundations thereof) existing at the passing of this Act belonging to the Chester Corporation and used by them in connection with their electricity undertaking.

(2) Before commencing any work in connection with the said waterworks within fifty yards of any such electricity works or apparatus the Corporation shall give to the Chester Corporation not less than twenty-eight days’ previous notice in writing accompanied by a plan specifying the nature and course of such work and in carrying out such work the Corporation shall at their own expense take such precautions and execute such protective works as the Chester Corporation may within fourteen days from the receipt of such notice reasonably require in writing for the purpose of preventing the said electricity works and apparatus or the user thereof from being injuriously affected by the operations of the Corporation.

(3) Any difference which shall arise between the Chester Corporation and the Corporation under this section shall be determined by arbitration.

**165.** For the protection of the North Wales Power Company Limited and the Electricity Distribution of North Wales and District Limited (in this section referred to respectively as “the power company” and “the distribution company”) the following provisions shall unless otherwise agreed in writing between the Corporation and the power company or the distribution company (as the case may require) apply and have effect with respect to the construction and maintenance of the additional works (that is to say):—

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PART XIII.

—cont.

For pro-  
tection of  
North Wales  
Power  
Company  
Limited and  
Electricity  
Distribution  
of North  
Wales and  
District  
Limited.

(1) In this section—

“the undertakers” means the power company or the distribution company (as the case may be);

“apparatus” includes all or any electric lines (as defined in the Electric Lighting Act 1882) posts poles works and apparatus belonging to the undertakers;

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PART XIII.

—cont.

“the specified apparatus” means the apparatus referred to in subsection (2) of this section;

“the additional works” means the works to be constructed by the Corporation in pursuance of the section of this Act of which the marginal note is “Connecting mains”:

- (2) The Corporation shall not alter the position of or in any way interfere with the steel fabricated towers situate in the parish of Hurleston and numbered 7962 and 7963 or the foundations thereof or the transmission line of the power company between Legacy and Crewe supported by the said towers:
- (3) The Corporation shall not alter the position of or interfere with any apparatus (other than the specified apparatus) laid down erected or constructed by the undertakers in the exercise of statutory powers in existence at the passing of this Act except to the extent which shall be reasonably necessary for the purpose of constructing or maintaining the additional works and where the Corporation require to alter the position of or interfere with any apparatus (other than the specified apparatus) the provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall (*mutatis mutandis* and subject to the provisions of this section) apply in relation to such alteration or interference whether or not such apparatus is under a street or place authorised to be broken up by the Corporation and shall be deemed to extend to any apparatus laid down erected or constructed upon or above the level of the ground and the Corporation shall not alter the position of or interfere with any such apparatus except in accordance with and subject to the said provisions as applied and extended as aforesaid:
- (4) The Corporation shall not carry out the work of constructing or maintaining any of the additional works near to which any apparatus has been lawfully placed except in accordance



with and subject to the provisions of section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 as modified by this section :

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—  
PART XIII.  
—cont.

- (5) Any question or difference which may arise between the Corporation and the undertakers under this section or under section 15 of the said Act of 1882 or section 17 of the schedule to the said Act of 1899 as applied and extended by this section or under section 18 of the said schedule shall be determined by arbitration.

**166.** Notwithstanding anything in this Act the following provisions for the protection of the catchment board shall unless otherwise agreed in writing between the Corporation and the catchment board apply and have effect:—

For pro-  
tection of  
Cheshire  
Rivers  
Catchment  
Board.

- (1) In this section unless the context otherwise requires—

“The catchment board” means the Cheshire Rivers Catchment Board;

“The catchment area” means the Cheshire Rivers catchment area as for the time being constituted;

“Drainage authority” means a drainage board constituted or to be treated as having been constituted under the Land Drainage Act 1930 and having jurisdiction in the catchment area;

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Geo. 5. c. 44.

“Banks” has the meaning assigned to that expression by the Land Drainage Act 1930;

“Watercourse” includes—

(i) Any main river and any other river and any stream ditch drain cut culvert dyke sluice sewer (other than a public sewer within the meaning of the Act of 1936) or passage through which water flows and the banks thereof;

(ii) Any drainage work and the banks thereof under the jurisdiction of any drainage authority;

“Apparatus” includes any structure or appliance for controlling or regulating the

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PART XIII.

—cont.

flow of water in any watercourse and any machinery under the control of any drainage authority :

- (2) (a) Not later than fourteen days before commencing to discharge water directly or indirectly into any watercourse in the exercise of the powers of this Act the Corporation shall (except in case of emergency) give to the catchment board notice in writing of their intention so to do specifying the date time of commencement and probable duration of the discharge and the point at which the water will be discharged and (if pumping plant is to be used in connection with the discharge) the maximum capacity of the pumping plant ;

(b) Where the Corporation discharge water during an emergency they shall forthwith give to the catchment board notice thereof in writing and such further particulars relative to such discharge as the catchment board may reasonably require :

- (3) The Corporation shall at all times keep the catchment board and any other drainage authority indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably incur by reason or in consequence of any injury or damage which may be caused or result to any watercourse or apparatus or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the discharge of water under the powers of this Act :
- (4) Except as expressly provided by this Act nothing in this Act shall prejudice lessen or affect any right power or jurisdiction of the catchment board or any other drainage authority under the Land Drainage Act 1930 or any other Act or under any order relating to them :
- (5) Any dispute or difference which may arise under this section between the catchment board and the Corporation save as to the construction of this section shall be determined by arbitration :



- (6) The provisions of this section shall be in addition to and not in derogation of any other provision of this Act enuring for the protection or benefit of the catchment board or any other drainage authority.

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PART XIII.  
—cont.

**167.** The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as “the railway company”) shall unless otherwise agreed in writing between the Corporation and the railway company apply and have effect:—

For protection of gas and water mains of London Midland and Scottish Railway Company.

- (1) In this section “apparatus” means and includes all or any gas or water mains and pipes or other apparatus belonging to the railway company and “authorised work” means any work of the Corporation authorised to be carried out by the Corporation by Part III (Street works) of this Act:
- (2) Before commencing to execute any authorised work in any street or road within a distance of ten feet from any apparatus the Corporation shall give fourteen days’ notice to the railway company of their intention to execute such work and shall at the same time deliver to the railway company a plan and section of such authorised work and such work shall not be executed except in accordance with such plan and section. The Corporation shall also if required to do so by the railway company give them any such further information in relation to such authorised work as they may reasonably require:
- (3) If it should appear to the railway company that the execution of any authorised work as proposed would interfere with or endanger any such apparatus or unreasonably interfere with the access thereto or impede the supply of gas or water the railway company may within a period of fourteen days from the receipt by the railway company of the notice referred to in subsection (2) of this section give notice to the Corporation to alter the position of such apparatus in such manner as may be reasonably necessary and any

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PART XIII.

—cont.

difference as to the reasonable necessity of any such alteration or the manner of carrying out the alteration shall be settled by arbitration :

- (4) The work necessary for effecting any such alteration as aforesaid (except the laying of the apparatus) shall be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the railway company as the circumstances will admit and to the reasonable satisfaction and under the superintendence (if given) of the engineer of the railway company. The laying of the apparatus shall be undertaken and performed by the railway company at the expense in all things of the Corporation :
- (5) The Corporation in executing any authorised work shall not remove or displace any apparatus or do anything to endanger such apparatus or impede the passage of gas or water into or through any apparatus or unreasonably interfere with the access thereto without the consent of the railway company or in any other manner than the railway company shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of gas or water as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof under the provisions of this section :
- (6) Whenever by reason of the execution of any authorised work any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Corporation under the provisions of this section) shall be rendered derelict or unnecessary the Corporation shall forthwith pay to the railway company a sum representing the value of such apparatus and such apparatus shall thereupon become the property of the Corporation and in addition to such payment the Corporation shall pay to the railway company the reasonable



cost of and incidental to the cutting off of any derelict or unnecessary apparatus from any other apparatus of the railway company :

A.D. 1938.  
—  
PART XIII.  
—cont.

(7) The Corporation in executing any authorised work shall make good all damage done by them to any apparatus and shall make full compensation to the railway company for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service pipes of any person supplied by the railway company with gas or water :

(8) (a) Not less than twenty-eight days before the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Power to vary width of carriageways and footways" add to the carriageway of a street any portion of the footway in under or over which any apparatus is for the time being situate the Corporation shall give notice in writing to the railway company accompanied by a plan and section and if either the railway company or the Corporation reasonably so require the position of any such apparatus in under or over such footway shall be altered to such other position in under or over the street and (in the case of underground apparatus) to such depth as may be reasonable or any other work shall be carried out which may be reasonably necessary for protecting such apparatus ;

(b) The railway company shall give to the Corporation not less than twenty-one days' notice of their requirement that the position of any apparatus shall be altered under the provisions of this subsection and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within twenty-one days from the receipt thereof the depth and position of the apparatus shewn thereon shall be deemed to be reasonable and the alteration of the position of the apparatus shall be deemed to be reasonably necessary ;

A.D. 1938.

—  
PART XIII.

—cont.

(c) The work necessary for effecting any alteration of the position of any apparatus (except the laying thereof) or any other work carried out under the provisions of this subsection shall be carried out by and at the expense of the Corporation. The laying of the apparatus shall be undertaken and performed by the company at the expense in all things of the Corporation:

- (9) Any difference which may arise between the Corporation and the railway company under this section (other than difference as to the meaning or construction of this section) shall be referred to arbitration.

Costs of  
Act.

**168.** 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 general rate fund or out of moneys to be borrowed under this Act for that purpose.



The SCHEDULES referred to in the  
foregoing Act.

A.D. 1938.

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THE FIRST SCHEDULE.

DESCRIPTIONS OF PROPERTIES OF WHICH PORTIONS MAY  
BE ACQUIRED BY THE CORPORATION.

Area.	Number on deposited plans.						
<u>          </u>	<u>          </u>						
Borough of Crewe	-	-	-	1	2	3	142
				165	168		169
				170	174		175
				176	178		179
				180	181		182
				183	184		373

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THE SECOND SCHEDULE.

PROVISIONS AS TO CREWE CORPORATION BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2.—(1) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine and interest shall be payable on bonds on the first day of April and the first day of October in any year. If a bond becomes repayable at a date other than the first day of April or the first day of October the interest on the bond from the first day of April or the first day of October as the case may be until the date of repayment of the bond shall be apportioned and paid to the holder of the bond. If a bond is issued on a date between the first day of April and the first day of October or on a date between the first day of October and the first day of April and becomes repayable before the first day of October or the first day of April as the case may be the interest on the bond between the date of the issue and the date of the repayment thereof shall be apportioned and paid to the holder of the bond.

A.D. 1938.

—  
2ND SCH.  
—cont.

(2) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(3) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the treasurer on the dates specified in the certificates issued in respect of bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof under the common seal of the Corporation duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.



(5) A certificate shall be in the following form or in a form substantially to the like effect :—

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2ND SCH.  
—cont.

No.

BOROUGH OF CREWE.

CREWE CORPORATION BONDS.

at par per centum Crewe Corporation bond repayable  
19 at the

This is to certify that  
of  
is the registered holder of a bond for  
pounds issued by the corporation of Crewe under the Crewe  
Corporation Act 1938 at

The common seal of the Crewe }  
Corporation was hereunto affixed }  
in the presence of }

Town clerk.

Treasurer.

Date

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

CREWE CORPORATION BOND[S].

I  
in consideration of the sum of  
paid by (hereinafter called  
“the transferee”) do hereby assign and transfer to the  
transferee

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this day  
of one thousand nine  
hundred and

A.D. 1938.

—  
2ND SCH.  
—cont.

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Crewe Corporation bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The Corporation may close the register for a period not exceeding thirty days immediately before the first day of April and the first day of October respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

9.—(1) The interest of a deceased bondholder in a bond shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) Where two or more persons are registered as holders of any bond such persons shall be deemed to be joint owners with right of survivorship between them.

(3) The Corporation shall not be under any obligation to allow any executors or administrators to transfer a bond until the probate of the will or the letters of administration of the estate of the deceased has or have been left with the Corporation for registration and they may require all the executors who have proved the will to join in the transfer.

10.—(1) If the ownership of any bond has become transmitted by any lawful means other than a transfer or than the death of a bondholder satisfactory evidence of the transmission shall be furnished to the Corporation by a statutory declaration



of one or more competent persons or in such other manner as the Corporation may require.

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(2) The name of the person entitled under the transmission shall be entered in the register.

—  
2ND SCH.  
—cont.

(3) Until such evidence has been furnished the Corporation shall not be affected by the transmission and no person claiming by virtue thereof shall be entitled to receive any interest on the bond.

(4) In this provision the term "transmission" includes any case of apparent transmission in consequence of the change of name of the bondholder although the actual ownership of the bond may remain unaltered.

11. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

12. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

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[Ch. xxx.]

*Crewe Corporation*  
*Act, 1938.*

[1 & 2 GEO. 6.]

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