



CHAPTER xlviii.

An Act to make provision for a site for an electrical generating station partly in the parish of Bold in the rural district of Whiston and partly in the borough of St. Helens in Lancashire to authorise the construction of a sewer and other works to confer further powers upon the mayor aldermen and burgesses of the borough of St. Helens and to make further provision in regard to the health local government and improvement of that borough and for other purposes.

[30th July 1948.]

WHEREAS by the St. Helens Corporation Electric Lighting Order 1894 which was confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1894 and divers other enactments the mayor aldermen and burgesses of the borough of St. Helens (in this Act referred to as "the Corporation") were empowered to supply electricity within an area comprising the said borough the urban district of Rainford the parish of Bold the parish of Windle and part of the parish of Eccleston in the rural district of Whiston and part of the parish of Burtonwood in the rural district of Warrington in the county of Lancaster and the Corporation were the owners of a selected generating station in the borough:

57 & 58 Vict.
c. xlix.

And whereas by virtue of the Electricity Act 1947 and of the orders made by the Minister of Fuel and Power thereunder property held or used by the Corporation wholly or mainly in their capacity as authorised undertakers and the rights liabilities and obligations acquired or incurred by the Corporation in that capacity became vested on the first day of April nineteen hundred and forty-eight in the British Electricity

10 & 11 Geo. 6.
c. 54

Authority and in the Merseyside and North Wales Electricity Board:

And whereas it is expedient to provide for the acquisition of lands in the said parish of Bold and in the borough as a site for a generating station and to authorise the construction of the sewer tunnel and other works referred to in this Act:

And whereas it is expedient to confer further powers on the Corporation in regard to their transport undertaking:

And whereas it is expedient that the powers of the Corporation in relation to the health local government and improvement of the borough and other matters should be enlarged as by this Act provided:

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

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

23 & 24 Geo. 5. c. 51. 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:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of 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 those lands were duly deposited with the clerk of the county council of the administrative county of the county palatine of Lancaster and with the town clerk which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *St. Helens Corporation (Electricity and General Powers) Act 1948*.

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

- Part I.—Preliminary.
- Part II.—Electricity.
- Part III.—Transport.
- Part IV.—Streets buildings sewers and drains.
- Part V.—Infectious disease and sanitary matters.
- Part VI.—Finance.
- Part VII.—Miscellaneous.
- Part VIII.—General.

PART I.
—cont.
Division of
Act into Parts.

3.—(1) The Lands Clauses 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 with the following exceptions and modification:—

Incorporation
of Lands
Clauses Acts.

- (a) Section 92 (Parties not to be required to sell part of a house &c.) and sections 127 to 132 (relating to superfluous lands) of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;
- (b) 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. 18.

(2) In the construction of the Lands Clauses Acts as incorporated with this Act this Act shall be deemed to be the special Act and the electricity authority or the Corporation (as the case may require) shall be deemed to be the promoters of the undertaking.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act—

Interpretation.

26 Geo. 5. &
1 Edw. 8.
c. 49.

- (i) “ The borough ” means the county borough of St. Helens;
- (ii) “ The Corporation ” means the mayor aldermen and burgesses of the borough of St. Helens;
- (iii) “ The council ” means the council of the borough;
- (iv) “ The town clerk ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the medical officer of health and any sanitary inspector of the borough;
- (v) “ The general rate fund ” means the general rate fund of the borough;
- (vi) “ The electricity authority ” means the British Electricity Authority;

PART I.
—cont.

- 10 & 11 Geo. 6.
c. 49.
- (vii) "The commission" means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act, 1947 shall be construed as a reference to that executive;
- (viii) "The new generating station" means a station for the generation of electricity which may be erected upon the lands referred to in subsection (1) of section 5 (Power to acquire lands) of this Act;
- (ix) "The county" means the administrative county of the county palatine of Lancaster;
- (x) "The tribunal" means the tribunal 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;
- 9 & 10 Geo. 5.
c. 57.
- (xi) "Contravention" includes failure to comply and "contravene" shall be construed accordingly;
- (xii) "Daily penalty" means a penalty for each day on which an offence is continued after conviction therefor;
- 1 & 2 Geo. 6.
c. 56.
- (xiii) "Food" has the meaning assigned to it by the Food and Drugs Act 1938;
- (xiv) "Statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- (xv) "Statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- 38 & 39 Vict.
c. 83.
- (xvi) "The Minister" means the Minister of Health;
- (xvii) "The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by the Town and Country Planning Act 1947 and by this Act;
- 10 & 11 Geo. 6.
c. 51.

- (xviii) "The Act of 1921" means the St. Helens Corporation Act 1921;
- (xix) "The Act of 1933" means the Local Government Act 1933;
- (xx) "The Act of 1936" means the Public Health Act 1936;
- (xxi) "The Public Health Acts" means the Public Health Act 1875 and any Acts amending or extending that Act;
- (xxii) "Enactment" includes this Act and any general or local Act Order byelaw or regulation for the time being in force within the borough.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II.

ELECTRICITY.

5.—(1) Subject to the provisions of this Act the electricity authority may enter upon take and use such parts of the lands delineated on the deposited plans and described in the deposited book of reference and thereon numbered 13 14 15 and 16 in the parish of Bold in the rural district of Whiston and 2 3 4 and 5 in the borough as may be required by them as a site for a generating station.

(2) Subject to the provisions of this Act the Corporation may enter upon take and use such parts of the lands delineated on the deposited plans and described in the deposited book of reference and thereon numbered 16 17 and 18 in the said parish of Bold 6 to 25 inclusive in the borough and 1 in the urban district of Haydock as may be required for the purposes of this Act other than the purposes mentioned in the last foregoing subsection.

(3) In the provisions of this Part of this Act hereinafter contained the expression "undertakers" means in reference to—

- (a) the lands referred to in subsection (1) of this section the electricity authority; and
- (b) the lands referred to in subsection (2) of this section the Corporation.

PART II.

—cont.

Period for compulsory purchase of land.

6. The powers granted by this Act for the compulsory purchase of land by the electricity authority shall cease on the expiration of three years from the thirty-first December nineteen hundred and forty-eight and the powers granted by this Act for the compulsory purchase of land by the Corporation shall cease on the expiration of five years from that date or of such longer period as the Minister or the Minister of Fuel and Power may by order allow.

Correction of errors in deposited plans and book of reference.

7.—(1) If there is 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 undertakers after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

(3) If the lands are situate in the borough such certificate or a copy thereof shall be deposited with the town clerk and if the lands are situate in the county such certificate or a copy thereof shall be deposited with the clerk of the county council of the county and a duplicate thereof shall also be deposited with the clerk of the county district and with the clerk of the parish council of the parish in which the lands are situate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the undertakers to take the lands and execute the works in accordance with the certificate.

(4) Any certificate or copy and duplicate deposited under this section shall be kept by such clerks respectively with the other documents to which the same relate.

Acquisition of parts only of certain properties.

8. No person shall be required to sell a part only of any house building or factory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determine that in the case of a house building or factory such part as is proposed to be taken can be taken without material detriment to the house building or factory or in the case of a park or garden that

such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the undertakers that part of the house building factory park or garden.

9. The undertakers and their surveyors officers and workmen and any person duly authorised in writing may from time to time 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.

Power to enter upon property for survey and valuation.

10. At any time after notice to treat has been served for any land which the undertakers are by this Act authorised to purchase compulsorily the undertakers may after giving to the owner and occupier of the land not less than one month's 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 powers of entry.

11.—(1) Any private right of way over land which the undertakers are authorised by this Act to acquire compulsorily shall if they so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

Extinction of private rights of way.

(2) The undertakers shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation in case of dispute shall be settled by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

12. For the purpose 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 erected or for or in respect of any interest in the lands created after the twentieth day of November nineteen hundred and forty-seven if in the opinion of the

Compensation in case of recently acquired interest.

PART II.
—cont.

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.

Persons under disability may grant easements.

13. 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 undertakers 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 that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to make works.

14.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works (namely):—

Work No. 4 A sewer comprising one or more lines of pipes commencing in the urban district of Haydock in the sewage disposal works of the Corporation and terminating in the lands referred to in subsection (1) of section 5 (Power to acquire lands) of this Act;

Work No. 5 A tunnel under the railway in the parish of Bold for the accommodation of the sewer (Work No. 4) authorised by this Act and of electric lines and other works.

(2) The Corporation may extend enlarge alter reconstruct renew or remove the works and plant constructed by them under this section and may lay down additional sewers as and when occasion may require.

Subsidiary works.

15.—(1) In addition to the works authorised by this Act the Corporation may in or under or upon any lands shown on the deposited plans make and maintain all such conduits pipes filters meters controlling apparatus buildings roads telephones and other means of electric communication machinery electric lines works and apparatus as may be necessary or convenient in connection with or subsidiary to those works but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

(2) Any telephones and other means of electric communication and any electric lines works and apparatus made and maintained under this section shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall not be constructed maintained or used in such a manner as to interfere in any way with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

32 & 33 Vict.
 c. 73.

41 & 42 Vict.
 c. 76.

16. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent downwards and not exceeding five feet upwards:

Limits of
 deviation.

Provided that except for the purpose of crossing over a river stream watercourse or railway no part of the sewer authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

17. For the purpose of constructing and maintaining the sewer and tunnel (Works Nos. 4 and 5) authorised by this Act the Corporation shall have the like powers and duties and be subject to the like restrictions as under the Act of 1936 they have and are subject to in respect of the construction and maintenance of public sewers within and without the borough.

Application of
 Act of 1936
 to sewer.

18.—(1) The Corporation during and for the purpose of the execution of the works authorised by this Act may 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 land house or building 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 land house or building.

(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 station or depot of the commission.

PART II.

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Payment of
costs by
electricity
authority.

19.—(1) The electricity authority shall pay to the Corporation all costs charges and expenses incurred by them in relation to the promotion of the Bill for this Act except in so far as such costs charges and expenses are increased by the inclusion in this Act of provisions not relating to the acquisition of lands and the construction of the works which are authorised by this Part of this Act or which were proposed to be authorised by the provisions contained in Part II of the Bill for this Act as introduced into Parliament.

(2) Any question which may arise between the electricity authority and the Corporation under this section shall be determined by arbitration.

Limitation on
use of sewer.

20. Notwithstanding anything contained in the Act of 1936 or any other enactment no person other than the Corporation shall be entitled to cause any sewer or drain to communicate with the sewer (Work No. 4) authorised by this Act or to discharge anything into that sewer.

Agreements
between electri-
city authority
and
Corporation.

21. The electricity authority and the Corporation may enter into and fulfil agreements in reference to the matters referred to in this Part of this Act.

For protection
of British
Transport
Commission.

22. Notwithstanding anything in this Act the following provisions shall unless otherwise agreed in writing between the Corporation and the commission, apply and have effect:—

(1) In this section—

“ the railway ” means the railways lands works and property of the commission;

“ the works ” means so much of Works Nos. 4 and 5 and of any other work authorised by this Act as may be situated upon across under or over the railway or may in any way affect the railway and includes the construction maintenance and renewal of such works;

“ the engineer ” means an engineer to be appointed by the commission:

(2) The Corporation shall not under the powers of this Act acquire compulsorily any lands of the commission but the Corporation may acquire and the commission shall if so required by the Corporation grant to the Corporation such easements and rights in the lands of the commission shown on the deposited plans as the Corporation may require for the purposes of the works (including the construction maintenance inspecting cleansing using and obtaining access to the works) and the Corporation may give notice to

treat in respect of such easements or rights describing the nature thereof and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts:

- (3) The Corporation shall before commencing the works furnish to the commission proper and sufficient plans sections drawings and specifications thereof for the reasonable approval of the engineer and shall not commence the works until such plans sections drawings and specifications shall have been approved in writing by the engineer or in case of difference between the engineer and the Corporation until the same shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans sections drawings and specifications have been furnished to the commission the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved the same:

- (4) If within twenty-eight days after such plans sections drawings and specifications have been furnished to the commission the commission shall give notice to the Corporation that they desire themselves to construct any part of the works situated within a distance of twenty feet from the railway then if the Corporation desire the works to be constructed the commission shall construct the same with all reasonable dispatch on behalf and at the expense of the Corporation in accordance with the plans sections drawings and specifications approved or deemed to be approved or settled as aforesaid:

- (5) Upon signifying his approval or disapproval of the said plans sections drawings and specifications the engineer may specify any temporary or permanent works which in his opinion should be carried out before the commencement of the works to ensure the stability of the railway or to protect the same from injury and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the commission on behalf and at the expense of the Corporation and the Corporation shall not commence the construction of the works until the engineer shall have notified the Corporation that such temporary or permanent works have been completed:

Provided that any temporary or permanent works to be constructed in pursuance of this subsection shall

PART II.
—cont.

at the request of the Corporation be constructed with all reasonable dispatch:

- (6) The Corporation shall give to the engineer fourteen days' notice in writing of their intention to commence any of the works:
- (7) The works (or so much thereof as shall be carried out by the Corporation) shall when commenced be carried out with all reasonable dispatch in accordance with the plans sections drawings and specifications approved or deemed to be approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to the railway as may be and so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and if any damage to the railway or any such interference or obstruction shall be caused or take place the Corporation shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission all costs and expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage interference or obstruction:
- (8) Work No. 4 by this Act authorised where the same crosses over the railway near Broad Oak Bridge shall be carried over the railway by an independent structure so that a clear headway of not less than fifteen feet above rail level shall be provided and at all times maintained and if by reason of any subsidence of the said structure or by reason of the commission making good any subsidence of their railway the headway prescribed by this subsection shall not be maintained the Corporation shall at their own cost whenever called upon by the commission so to do raise the said structure to such extent as may be necessary to restore the headway so prescribed:
- (9) The Corporation shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (10) If any alterations or additions either permanent or temporary to the railway or to any signal boxes signals telephone or telegraph posts or wires or any other works or apparatus of the commission shall be reasonably necessary in consequence of the construction of the works such alterations and additions may be effected by the commission after notice has been

given to the Corporation and the Corporation shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such altered or additional works or apparatus:

(11) The Corporation shall repay to the commission all costs charges and expenses reasonably incurred by the commission in connection with the works—

(a) in respect of the construction by the commission of any part of the works on behalf of the Corporation as provided by subsection (4) of this section or of any temporary or permanent works under the provisions of subsection (5) of this section;

(b) in respect of the employment of any inspectors signalmen watchmen and other persons whom it may be reasonably necessary to appoint for inspecting watching lighting and signalling the railway and for preventing as far as may be all interference obstruction danger or accident arising from the works;

(c) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services;

(d) in lighting the railway in the vicinity of the works; and

(e) in respect of the approval by the engineer of plans sections drawings and specifications submitted by the Corporation and of the supervision by him of the works:

(12) The Corporation shall at all times after the construction of the works maintain the same in substantial repair and good order and condition and when necessary renew the same to the reasonable satisfaction and under the supervision (if given) of the engineer and if and whenever the Corporation fail so to do after reasonable notice in that behalf the commission may make and do in and upon the lands of the commission or of the Corporation all such works and things as shall be requisite in that behalf and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Corporation:

(13) The Corporation shall be responsible for and make good to the commission all costs charges damage and expenses not otherwise provided for in this section

PART II.

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which may be occasioned to the commission or to the railway or the traffic thereon or otherwise by reason of the works or the leakage bursting or failure thereof or by reason of any act or omission of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the works and the Corporation shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any such leakage bursting or failure or act or omission as aforesaid and the fact that any work or thing may have been done by the commission on behalf of the Corporation or in accordance with any plan section drawing or specification approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the commission or of any person in their employ or of their contractors or others whilst engaged upon the works) excuse the Corporation from any liability under the provisions of this section:

- (14) Any additional expense which the commission may reasonably incur after giving one month's notice thereof to the Corporation in widening altering reconstructing or maintaining the railway in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Corporation to the commission:
- (15) (a) The commission shall not be responsible for lateral or vertical support for the works and shall not be under any obligation to purchase any mines or minerals or to require any minerals to be left unworked for the support of the works:
- (b) If it shall be reasonably necessary for the protection and safety of the railway for the commission to purchase any minerals for the support of the works of the Corporation or to pay compensation for any minerals to be left unworked for the support of such works the Corporation shall repay to the commission the amount paid by them for or in respect of such minerals and the costs and expenses incurred by the commission in relation to any such purchase or payment of compensation:
- (16) Any difference arising between the Corporation and the commission under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

23. For the protection of the Merseyside and North Wales Electricity Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

For protection of Merseyside and North Wales Electricity Board.

(1) In this section—

"apparatus" means all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the board; and

45 & 46 Vict. c. 56.

"the authorised work" means Work No. 4 authorised by this Act:

(2) Not less than two months before commencing the construction of the authorised work the Corporation shall give notice to the board of their intention to commence the construction thereof and within one month after the giving of such notice the board shall furnish the Corporation with plans and sections showing the situation of all apparatus situate within the limits of deviation of the authorised work or within fifteen feet on either side of those limits:

(3) If plans and sections are furnished in accordance with the last foregoing subsection of the apparatus within the limits of deviation of the authorised work or within fifteen feet from those limits—

(a) the provisions of subsections (4) (5) and (8) of this section shall apply in relation to such work; and

(b) the provisions of section 18 (Laying of electric lines &c. near sewers &c. or gas or water pipes or other electric lines) of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they impose duties upon the Corporation as operators shall not apply:

62 & 63 Vict. c. 19.

(4) Before commencing to execute the authorised work within a distance of fifteen feet measured laterally on a horizontal plane from any apparatus as shown upon the plans and sections furnished by the board in accordance with subsection (2) of this section (in this section referred to as "the plans and sections") the Corporation shall give twenty-one days' notice to the board of their intention to execute the authorised work and shall at the same time deliver to the board a plan and section of the authorised work. The Corporation shall also give to the board all such further information in relation to the authorised work as the board may reasonably require:

PART II.
—cont.

- (5) If it should appear to the board that the execution of the authorised work as proposed would interfere with or endanger any apparatus shown on the plans and sections or interfere with the access thereto or impede the supply of electricity by means thereof the board may within twenty-one days after the receipt by the board of the notice referred to in subsection (4) 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 difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration and all such alterations shall (save as in this section provided) be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the board as the circumstances will admit and to the reasonable satisfaction of the engineer of the board and under his superintendence unless after receiving not less than three days' notice for that purpose (which notice the Corporation are hereby required to give) he refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the execution of the work:
- (6) The Corporation in executing the authorised work shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of electricity into or through any apparatus or interfere with the access thereto without the consent of the board or in any other manner than the board shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of electricity 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 and be ready for use to the reasonable satisfaction of the board:
- (7) The Corporation in executing the authorised work shall make good all damage done by them to any apparatus and shall make compensation to the board 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 lines of any person supplied by the board with electricity:

- (8) If the board shall desire to execute the works connected with any alteration of any apparatus under this section and shall within fourteen days after the receipt of the notice referred to in subsection (4) of this section give not less than seven days' notice thereof to the Corporation the board may themselves carry out the works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Corporation and all reasonable expenses properly incurred by them in connection with the works shall be repaid to them by the Corporation:
- (9) When the Corporation under the powers of this Act temporarily stop up or interfere with alter or divert any street or part of a street in under or over which any apparatus is situate they shall provide reasonable access for the officers and servants of the board for the purpose of enabling them to inspect repair and renew any apparatus or to lay down or place new apparatus:
- (10) Any difference which may arise between the Corporation and the board under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

24. For the protection of the South Lancashire Rivers Catchment Board (in this section referred to as "the board") and the Corporation the following provisions shall unless otherwise agreed in writing between the electricity authority and the board or the Corporation (as the case may be) apply and have effect (that is to say):—

As to discharge of water into Phipps Brook and Sutton Brook.

- (1) Before any water is discharged by the electricity authority from a generating station constructed on the lands described in section 5 (Power to acquire lands) of this Act into either of the watercourses known respectively as Phipps Brook and Sutton Brook in such quantities as to be likely to cause the flooding of such watercourse the electricity authority will at their own expense and to the reasonable satisfaction (in the case of Phipps Brook) of the board and (in the case of Sutton Brook) of the Corporation carry out such works as may be reasonably required by the board or the Corporation (as the case may be) to prevent such flooding:
- (2) Any difference between the electricity authority on the one hand and the board or the Corporation on the other hand under this section shall be determined by arbitration.

PART II.
—*cont.*
Supply of
water by
Warrington
Corporation.
8 & 9 Geo. 6.
c. 42.
II & 12 Geo. 6.
c. 22.

25.—(1) The mayor aldermen and burgesses of the borough of Warrington (in this section referred to as “the Warrington Corporation”) shall if requested by the electricity authority apply to the Minister for an order under the Water Acts 1945 and 1948 authorising them to construct a pumping station (to be called “the Dial Post pumping station”) with a well or wells boreholes adits tunnels shafts and other works and conveniences connected therewith or ancillary thereto on and in a site in the vicinity of Dial Post Farm in the parish of Burtonwood in the rural district of Warrington in the county.

(2) If such an order is made on the application of the Warrington Corporation at such request as aforesaid—

- (a) the Warrington Corporation shall use their best endeavours to construct the Dial Post pumping station and works connected therewith and at the expense of the electricity authority to lay such rising water main and pumping plant therefor as may be necessary to afford to the new generating station the supply of water hereinafter mentioned;
- (b) upon the completion of the Dial Post pumping station and the said rising water main and pumping plant therefor the Warrington Corporation shall supply to the new generating station such a quantity of water for such period and upon such terms and conditions as may be agreed between the Warrington Corporation and the electricity authority or in default of agreement as may be determined by the Minister:

Provided that—

(i) the quantity of water which the Warrington Corporation may be under any obligation to supply as aforesaid shall not exceed one and one-quarter million gallons a day until the first day of April nineteen hundred and fifty-five and thereafter shall not exceed two hundred and fifty thousand gallons a day;

(ii) the Warrington Corporation shall not be under any obligation under this section to supply water from any source other than the Dial Post pumping station;

(iii) any failure on the part of the Warrington Corporation to supply water shall not be deemed to be a breach of any obligation imposed upon them by this section if such failure is due to accident or breakdown of the Dial Post pumping station or to any circumstances beyond their control;

(c) for the purposes of affording any such supply of water the enactments relating to the water undertaking of the Warrington Corporation shall have effect as if the site of the new generating station and the whole of the route of the said rising water main were within the limits of supply of the Warrington Corporation.

PART II.
—cont.

PART III.

TRANSPORT.

26. The definition of trolley vehicle in the Acts and Orders relating to the Corporation shall not have the effect of excluding a vehicle which is equipped with apparatus for moving it by electrical power transmitted thereto from some external source but which is also equipped with apparatus for moving it by electrical power not transmitted thereto from some external source.

Modification of definition of trolley vehicle.

27.—(1) The trolley vehicle public service vehicle omnibus and tramway undertakings of the Corporation shall be known as the transport undertaking of the Corporation.

Definition of transport undertaking.

(2) Section 26 (Omnibuses to form part of tramway undertaking) of the Act of 1921 section 14 (Trolley vehicles to form part of tramway undertaking) of the *St. Helens Corporation (Trolley Vehicles) Order 1924* and any provision in a subsequent Act or Order applying either of those sections are hereby repealed.

28.—(1) With the consent of the Minister of Transport and (in the case of a street or road beyond the borough) of the local and road authority the Corporation may use trolley vehicles along any street or road which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of connecting any trolley vehicle route with any depot garage building or work of the Corporation and for the purposes of this section the Corporation may exercise the powers and shall be subject to the provisions of the *St. Helens Corporation (Trolley Vehicles) Order 1924* relative to the provision maintenance and use of trolley vehicle equipment:

Provision for turning points and connecting trolley vehicle routes.

Provided that—

(a) before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for his approval;

PART III.
—cont.

(b) nothing in this section shall empower the Corporation to use trolley vehicles along any such street or road for the purpose of connecting trolley vehicle routes where the distance between the points to be connected exceeds half a mile.

(2) Section 43 of the Act of 1921 shall with any necessary modifications extend and apply to the exercise by the Corporation of the powers conferred by this section:

Provided that in the application to this section of the said section 43 subsection (B) (4) thereof shall be read and construed as if the words "generated or used by or supplied to" were inserted in that subsection in place of the words "generated by."

As to lost property.

29.—(1) The Public Service Vehicles (Lost Property) Regulations 1934 made by the Minister of Transport in exercise of the powers vested in him under or by virtue of the Road Traffic Acts 1930 to 1947 and any regulations amending extending or in substitution for those regulations shall extend and apply with any necessary alteration in respect of property found in the trolley vehicles of the Corporation as if such trolley vehicles were public service vehicles.

(2) In this section and in the next following section the expression "public service vehicle" has the same meaning as in the Road Traffic Acts 1930 to 1947.

(3) Section 41 (Lost property) of the Act of 1921 is hereby repealed.

Trolley vehicles not to be deemed stage carriages. 5 & 6 Vict. c. 79.

30. The trolley vehicles of the Corporation shall not be deemed to be stage carriages for the purposes of sections 13 to 15 of the Railway Passenger Duty Act 1842 but for the purpose of calculating the number of passengers in excess of the seating capacity that may be carried thereon shall be deemed to be public service vehicles.

Accounts to be furnished.

31. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their transport undertaking.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

No buildings to be erected until street formed.

32.—(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 the same to be constructed in its entire length by one operation but such new street may be constructed in parts and in that 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.

(2) Where under this section a person is required to construct the carriageway of a new street or any part thereof or to sewer such a street or part thereof the works shall be executed to the satisfaction of the Corporation and so as to comply with such specification as the Corporation may reasonably require:

Provided that this subsection shall not apply if the Corporation are satisfied that the new street is not intended to be dedicated to the public.

(3) 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. 55 & 56 Vict. c. 57.

(4) For the purposes of this section the expression "carriageway" includes the kerbs and channels or either kerbs or channels as the Corporation may require.

(5) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(6) Section 67 (New streets to be sewered and kerbed before built upon) of the St. Helens Corporation Act 1898 is hereby repealed. 61 & 62 Vict. c. cclviii.

33.—(1) The owner of every house fronting adjoining or abutting on a highway which is not repairable by the inhabitants at large shall maintain the footpath on the frontage of such house and the approach to such house from the highway in accordance with the reasonable requirements of the Corporation: Maintenance of footpaths &c.

Provided that nothing in this section shall authorise the Corporation to make any requirement with regard to the maintenance of any such footpath or approach as is within the curtilage of a house.

PART IV.
—cont.

(2) Any person who contravenes the provisions of this section after receiving not less than twenty-eight days' notice from the Corporation shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

Demolition of
buildings.

34.—(1) As from the commencement of this section no person shall commence to demolish or take down any building or part thereof within the borough except with the consent of the Corporation which may be given upon and subject to such reasonable terms and conditions as they think fit including terms and conditions requiring—

- (a) the shoring up of adjacent buildings; and
- (b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation:

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Where an application is made to the Corporation under this section for their consent to the demolition or taking down of any building or part thereof and such application is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have granted the application unconditionally unless within six weeks from the receipt thereof or within such longer period as the applicant may agree in writing to allow they give notice to him that they have decided to the contrary.

(3) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work and may sell or dispose of any material or rubbish found on the site.

(4) All expenses incurred by the Corporation under subsection (3) of this section in relation to the site of a demolished building may be recovered by the Corporation from the owner of that site.

(5) This section shall not apply to any poultry-house greenhouse coal shed or cycle shed or other similar structure.

(6) This section shall not apply to any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—

(a) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground; or

(b) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building not proposed to be demolished or taken down of which no part opposite to that side is of less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down.

(7) In this section the expression "factory" has the meaning assigned to it by the Factories Act 1937 and the expression "building" shall include a factory chimney shaft.

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

(8) This section shall not apply in relation to any building (not being a dwelling-house) belonging to the commission and held by them for the purposes of their undertaking:

Provided that the exemption conferred by this subsection shall not extend to buildings last used before demolition as offices other than buildings so used which form part of a railway station.

(9) Any person who contravenes the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

35.—(1) In this section "neglected site" means the site of a demolished partly demolished or ruinous building in the borough which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

As to neglected sites.

(2) The Corporation may by notice require the owner of any neglected site to execute such work as may be necessary—

(a) in the case of a demolished building to remove from the site any material or rubbish;

(b) in the case of a partly demolished or ruinous building to complete the demolition of the building and remove from the site any material or rubbish;

within a reasonable time to be specified in the notice.

(3) A notice given under this section shall state the right of appeal to a court of summary jurisdiction and the time within which an appeal may be brought.

(4) If the owner of the site fails to execute the work specified in the notice within the time specified therein the Corporation may enter upon the neglected site and execute the work and may sell or dispose of any material or rubbish found on the neglected site.

PART IV.
—cont.

(5) All expenses incurred by the Corporation under subsection (4) of this section in relation to a neglected site may be recovered by the Corporation from the owner of the neglected site.

Demolition
of obsolete
ashpits.

36.—(1) Where a moveable dustbin has been provided for the reception of house refuse of any building any ashpit previously used for the reception of such house refuse shall be demolished or converted to some other use to the satisfaction of the Corporation and if after receiving not less than twenty-eight days' notice from the Corporation requiring such ashpit to be demolished or to be converted as aforesaid the owner or occupier of the building fails to comply therewith he shall be liable to a penalty not exceeding two pounds and the Corporation may demolish such ashpit and recover one-half of the expenses incurred by them in so doing from such owner or occupier.

(2) When in pursuance of a notice under this section an ashpit is demolished to the satisfaction of the Corporation or is converted to their satisfaction to a suitable recess for housing a dustbin the Corporation shall repay to the owner or occupier by whom it was demolished or converted one-half of the expenses reasonably incurred by him in such demolition or conversion.

Notice of
existence of
disused drains.

37.—(1) The owner or (in default of the owner) the occupier of any premises in under or attached to which there is to his knowledge a disused drain shall give notice in writing of the existence of such disused drain to the Corporation.

(2) Any such notice as is required by subsection (1) of this section shall be given by the person required by that subsection to give the same—

(a) where any channel work or apparatus is a disused drain on the coming into operation of this section forthwith after such coming into operation or so soon after such coming into operation as the existence of such disused drain comes to the knowledge of such person; or

(b) where a drain or any channel work or apparatus provided for use as a drain becomes a disused drain at any time after the coming into operation of this section forthwith after it becomes to the knowledge of such person a disused drain.

(3) Any person who contravenes the foregoing provisions of this section shall be liable to a penalty not exceeding two pounds. Provided that the occupier of any premises (not being also the owner thereof) shall not be liable to a penalty

under this section for failing to give any such notice as aforesaid if he satisfies the court that he had reasonable cause to believe that the notice had been given by the owner of the premises.

(4) In and for the purposes of this section “ disused drain ” means any channel work or apparatus which having been a private sewer or drain formerly used for the drainage of the building has ceased to be so used in such circumstances as to indicate the absence of intention to resume such user or any part of any such channel work or apparatus.

(5) The provisions of this section shall come into operation on the first day of January nineteen hundred and forty-nine.

(6) (a) The Corporation shall within three months after the passing of this Act give public notice of the effect of this section by advertisement in two or more local newspapers circulating in the borough and otherwise in such manner as they deem sufficient.

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

38. The powers of section 48 (Power of local authority to examine and test drains &c. believed to be defective) of the Act of 1936 may be exercised in pursuance of any general or special directions given by the Corporation in any case where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

Further powers as to defective drains &c.

39. Section 24 of the Act of 1936 shall within the borough have effect as if the following were substituted for the proviso to subsection (1) of that section:—

Recovery of cost of maintaining sewers.

“ Provided that unless in the opinion of the medical officer of health or any sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall be given to the owners of any premises known by the local authority to be served by the length of sewer in question not less than seven days before the work is commenced and the local authority shall consider any representations as to the need for and reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice.”

PART V.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Entry into
premises in
case of disease.

40.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease:

Provided that the medical officer shall not under the powers of this section—

- (a) enter any premises except between the hours of seven in the morning and ten in the evening; or
- (b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

II & 12 Geo. 5.
c. lxxiii.

(3) Section 119 (Entry into premises in case of dangerous infectious disease) of the *St. Helens Corporation Act 1933* is hereby repealed.

Cleansing of
filthy or
verminous
premises.

41. Section 83 (Cleansing of filthy or verminous premises) of the Act of 1936 shall within the borough have effect as if the following were substituted for subsection (1) of that section:—

“(1) Where the local authority upon consideration of an official representation or a report from any of their officers or other information in the possession of the local authority are satisfied that any premises—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health; or
- (b) are verminous;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises—

- (i) by cleansing and disinfecting them;
- (ii) by distempering or whitewashing the interior surface thereof or in the case of premises used

for human habitation or as shops or offices by papering or painting the said interior surface; and the notice may require among other things the removal of wallpaper or other covering on the walls and in the case of verminous premises the taking of such other steps as may be necessary for the purpose of destroying or removing vermin.”

42.—(1) If the Corporation take action under subsection (1) of section 83 of the Act of 1936 in reference to premises which appear to be verminous and in the opinion of the Corporation it is necessary to use gas to destroy vermin on the premises they may serve notices on the occupiers of premises in the fumigation area and the risk area as defined in the Hydrogen Cyanide (Fumigation of Buildings) Regulations in force for the time being requiring all persons to vacate those premises during such period as may be specified by the Corporation:

Power to require persons to vacate premises during fumigation.

Provided that the Corporation shall not require any person to vacate his premises under this section unless temporary shelter or house accommodation shall have been provided for him.

(2) Any person who contravenes a notice served under this section shall be liable to a penalty not exceeding five pounds.

(3) The Corporation may pay to any person required to vacate premises in pursuance of the powers contained in this section such reasonable allowance as they think fit towards his expenses in removing.

(4) The Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall not be deemed to cease to apply to a house or premises by reason only of the fact that such house or premises have been vacated in compliance with a notice served under this section.

43.—(1) When the medical officer certifies that the occupier of any house is unable through age infirmity or physical or mental incapacity to comply with a notice served upon him under section 83 of the Act of 1936 and that his health is thereby endangered a court of summary jurisdiction on the application of the Corporation (who shall give to such occupier not less than seven days' notice of their intention to make such application) may make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the house and the Corporation may carry out the removal and such cleansing and disinfection of the house as may be necessary.

Cleansing of houses in certain cases.

PART V.
—cont.

(2) A person in respect of whom an order is made under this section shall not be liable to a penalty for failure to comply with the notice served upon him under section 83 of the Act of 1936.

(3) The Corporation shall bear the cost of the removal of a person in respect of whom an order is made under this section and of his detention and maintenance in any such institution or other dwelling.

44.—(1) No dealer shall—

(a) prepare for sale;

(b) sell or offer or expose for sale; or

(c) deposit for the purpose of sale or preparation for sale;

any furniture mattress bed-linen clothing or similar article (in this section called "article") if the same is to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

(2) If a dealer contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and the Corporation upon a certificate of the medical officer or the sanitary inspector may remove any such verminous article and cause the same to be cleansed purified disinfected or destroyed as the case may require and may recover the cost of so doing from such dealer.

(3) The medical officer and the sanitary inspector may enter any premises in which any article is sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section or for the purpose of removing any verminous article.

(4) For the purposes of this section—

"dealer" means any person who trades or deals in any article;

"preparation for sale" shall not include disinfestation.

45.—(1) As from the commencement of this section every person who shall carry on the trade or business of a hairdresser or barber in the borough 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.

(2) The Corporation may make byelaws for the purpose of securing—

(a) the cleanliness of any premises registered under this section and of the instruments towels materials and equipment used therein; and

Prohibition
on sale of
verminous
articles.

Registration
of hairdressers
and barbers
and their
premises.

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

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

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

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (b) of subsection (2) of this section shall not be exercised by any officer except the medical officer or the sanitary inspector.

(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 this section or whose registration has been cancelled or suspended as hereinafter provided or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound 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.

(6) Before making any byelaws under this section the Corporation shall give to the St. Helens' branch of the National Hairdressers Federation not less than one month's notice of their intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said federation thereon before they submit the byelaws to the Minister for confirmation and the said federation shall be entitled to make representations to the Minister with regard thereto.

46.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936:

Noise
nuisance.

Provided that no complaint to a justice under section 99 (Power of individual to make complaint as to statutory

PART V.
—*cont.*

nuisance) of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) In any proceedings under the Act of 1936 in respect of a noise nuisance occasioned in the course of any trade business or occupation it shall be a good defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

(3) 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 which is injurious or prejudicial to health.

(4) Nothing contained in this section shall apply to the commission or their servants exercising statutory powers.

(5) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 (Byelaws for good rule and government and suppression of nuisances) of the Act of 1933.

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

(a) No person other than a person keeping open shop for the sale of food shall either by himself or by any person employed by him sell offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is registered with the Corporation;

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

(2) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(4) (a) The Corporation may refuse to register any person or premises under this section or (after giving one month's

Registration
of hawkers of
food and their
premises.

notice to the person registered or in whose name the premises are registered) may revoke the registration of any person or premises under this section if they are satisfied—

- (i) as regards a person that the public health is or is likely to be endangered by any act or default of his in relation to the quality storage or distribution of food; or
- (ii) as regards premises that the 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 a committee of the council 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.

(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 section 65 (As to appeals) of this Act 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 food 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) The provisions of this section shall not apply to any premises registered under section 14 (Registration of premises used in connection with the manufacture or sale of ice-cream or preserved food &c.) of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II (Provisions

PART V.
—cont.

as to milk dairies and artificial cream) of that Act or under any regulations made thereunder or under an enactment repealed by that Act.

(8) The provisions of this section shall not apply to any premises used as a theatre cinematograph theatre music hall or concert hall or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

(9) In this section the expression " food " does not include any substance contained in a container of such materials and so closed as to exclude all risk of contamination.

(10) Section 135 (Hawking of meat) of the St. Helens Corporation Act 1933 is hereby repealed.

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

48.—(1) If the medical officer certifies in writing—

- (a) that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and
- (b) 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
- (c) 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 fails 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 contravenes any such order he shall be liable to a penalty not exceeding two pounds 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.

Byelaws as to inspection of meat.

49.—(1) The Corporation may make byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until

after inspection by an officer of the Corporation and for requiring any such meat or carcase to be taken for inspection to the abattoir or to the meat market of the Corporation or to such place as may be specified in the byelaws.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1937 apply or which has been inspected and passed as fit for food by the medical officer of health for the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district in relation to meat inspection but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of twelve miles from the town hall of the borough for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV (Provisions as to diseases of animals) of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder. 1 Edw. 8.
1 Geo. 6.
c. 70.

(5) Before making any such byelaws the Corporation shall give to the St. Helens and District Master Butchers' Association and the St. Helens' branch of the National Farmers' Union not less than one month's notice of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said bodies thereon before they submit them to the Minister of Food for confirmation and such bodies shall be entitled to make representations to the said Minister with regard thereto.

50. The provisions of section 13 of the Food and Drugs Act 1938 (which prescribes precautions against contamination of food) shall so far as they are applicable apply to a mobile canteen being in a street market or other public place or in such a position that persons can purchase food from such canteen as if it were a room. Provisions as to canteens &c. where food is prepared &c.

51. If the person on whom a notice to abate a statutory nuisance has been served in pursuance of the Act of 1936 delays making compliance with any of the requisitions thereof Penalty for failure to carry out work until after issue of summons.

PART V.
—cont.

until after a summons has been issued requiring him to appear before a court of summary jurisdiction the court in addition to any other powers conferred upon them may if satisfied that the alleged nuisance existed impose a penalty not exceeding five pounds on the person on whom the notice was served notwithstanding that the nuisance is abated.

Prevention of
smoke from
industrial
furnaces.

52.—(1) As from the commencement of this section no person shall instal in any building whether erected before or after the passing of this Act any furnace for steam raising or for any manufacturing or trade purpose unless such furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) If a person before installing in a building a furnace to which this section applies submits to the Corporation plans proposals and particulars of the proposed furnace and furnishes them with such other necessary information in regard thereto as they may require the Corporation shall within a period of six weeks from the date upon which such plans proposals particulars and information are received by them serve a notice upon such person stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke and if they are so satisfied or if they do not serve a notice upon such person before the expiration of the said period of six weeks no proceedings shall be taken against him under this section in respect of the installation of that furnace in accordance with the plans proposals particulars and information so submitted and furnished.

(3) Before serving a notice under this section stating that they are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation shall consult with the Minister of Fuel and Power.

(4) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding ten pounds and any person who after conviction of an offence of installing a furnace in contravention of those provisions uses that furnace shall unless it has been amended so as to comply with those provisions be liable to a penalty not exceeding two pounds for each day on which he so uses the furnace.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation or a court shall if either of the parties so desire have regard to cost and to local conditions and circumstances.

PART VI.

FINANCE.

53.—(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 the sum requisite for the payment of the costs and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

Power to borrow.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with 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.

54. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 and of any orders for the time being in force made under section I of the Borrowing (Control and Guarantees) Act 1946.

As to exercise of borrowing powers.
8 & 9 Geo. 6.
c. 18.
9 & 10 Geo. 6.
c. 58.

55.—(1) The Corporation may (if they think fit) establish a fund to be called "the capital fund" to which they may pay—

Capital fund.

- (a) any sums derived from the sale of any property of the Corporation;
- (b) the surplus of the revenue income over the revenue expenditure of the general rate fund (not required by law to be applied to or carried forward for any other purpose) on the thirty-first day of March in any year; and
- (c) such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of that fund to the purposes authorised) as the Corporation may by resolution direct (not being moneys required by law to be applied to any other purpose):

Provided that—

- (i) the aggregate amount paid to the capital fund under paragraphs (b) and (c) of this subsection (in addition to the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised)

PART VI.
—cont.

15 & 16 Geo. 5.
c. 90.

shall not exceed in any year the equivalent of twice the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925;

(ii) payments into the capital fund shall not be made whenever the said fund amounts to the sum of fifty thousand pounds or such greater sum as may be allowed by the Minister.

(2) The Corporation may apply any moneys in the capital fund to an amount not exceeding in any one transaction the sum of ten thousand pounds or such greater sum as may be allowed by the Minister in any case in defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the gas water or transport undertaking of the Corporation) or in providing money for repayment of loans (but not in making the annual payment required to be made therefor).

(3) Pending the application of the capital fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(4) Any sums derived from the sale of any corporate land of the Corporation as defined in section 305 of the Act of 1933 and paid to the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

(5) All moneys derived from the sale of land of the Corporation which are applied from the capital fund under the provisions of this section shall be repaid from the account to which such moneys are advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation.

(6) Any income arising from the investment of the moneys in the capital fund in the manner provided by subsection (3) of this section 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 all payments made in carrying into execution the provisions of this section shall be paid out of the general rate fund in manner provided by section 143 (Receipts and expenses) of the St. Helens Corporation Act 1933.

Amendment
of
consolidated
loans fund
scheme.

56. Any scheme approved by the Minister under section 140 (Consolidated loans fund) of the St. Helens Corporation Act 1933 may be amended or revoked by a scheme made and approved in like manner as the original scheme.

PART VII.

MISCELLANEOUS.

57. The Corporation may pay the reasonable expenses incurred in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough. Cost of public entertainment.

58.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or leased by the Corporation for the purpose of enabling or assisting him to erect houses shops offices industrial buildings warehouses or other buildings on such lands or to adapt alter extend or improve any existing buildings thereon and to provide power heating and lighting therein: Power to Corporation to advance moneys for erection &c. of buildings.

Provided that any advance shall not exceed in the case of a house nine-tenths or in the case of any other building three-quarters 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 as erected adapted altered extended or improved thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate in operation at the time the advance is made under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 (Amendments of Small Dwellings Acquisition Acts) 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 such purchaser or lessee. 25 & 26 Geo. 5. c. 40.

(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 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 notice and on paying all sums 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 as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of 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

PART VII.
—cont.

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

(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 adaptation alteration extension or improvement of which the advance is made and of the land upon which such building is to be erected or upon which any such building is to be adapted altered extended or improved 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 receipts for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) The Corporation shall have power at all reasonable times to enter the building in respect of the erection adaptation alteration extension or improvement of which any advance is made by them by any person authorised by them in writing 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 adaptation alteration extension or improvement of which such advance is made and the land upon which the same is situate but any such transfer shall be made subject to the foregoing provisions of this section.

(8) In this section the term "lessee" includes a person to whom the Corporation have agreed to grant a lease and "leased" shall be construed accordingly and the term "industrial building" has the same meaning as in the Distribution of Industry Act 1945.

8 & 9 Geo. 6.
c. 36.Maintenance
of graves in
burial grounds.

59.—(1) The Corporation may maintain in perpetuity or for such period as they may determine a grave or grave space or monument in any burial ground or cemetery provided or maintained by them and may accept a sum of money from any person in consideration of such maintenance.

(2) The Corporation may apply for the purposes of this section any sum of money received by them before the passing of this Act in consideration of such maintenance.

(3) The Corporation may if they think fit invest in statutory securities or pay into the consolidated loans fund under section 140 of the St. Helens Corporation Act 1933 the whole or any part of any such sum as is referred to in subsection (1) or subsection (2) of this section and apply the interest thereon in maintaining the grave or grave space or monument in such manner as the Corporation shall think fit.

PART VII.
—cont.

(4) Any such sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to their cemetery or burial ground.

60. Section 45 (Water rent for compound premises) of the St. Helens Improvement Act 1869 is hereby repealed.

Repeal of section 45 of Act of 1869. 32 & 33 Vict. c. cxx.

61. The provisions of section 270 of the St. Helens Improvement Act 1869 imposing penalties on any person who in any street or road throws or sets fire to a firework shall apply to any person who throws or sets fire to a firework in a cinematograph theatre or in any premises in respect of which a licence for public music or dancing is for the time being in force.

Prohibition of throwing fireworks in cinemas &c.

PART VIII.

GENERAL.

62.—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 (Procedure &c. for making byelaws) of the Act of 1933 shall be—

As to byelaws.

(a) in the case of byelaws under section 45 (Registration of hairdressers and barbers and their premises) the Minister; and

(b) in the case of byelaws under section 49 (Byelaws as to inspection of meat) the Minister of Food.

(2) Notwithstanding the provisions of any Act or Order relating to the procedure for the making of byelaws by the Corporation the provisions of section 250 of the Act of 1933 shall apply to all byelaws to be made by the Corporation in respect of their transport undertaking and in the application of such last-mentioned provisions the Minister of Transport shall be the confirming authority.

63.—(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 council of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough.

Commencement of certain provisions of this Act.

PART VIII.
—cont.

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 registration of any person or premises the application for registration may be made and determined before the provision comes into operation.

(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 following sections of this Act:—

Section 34 (Demolition of buildings);

Section 45 (Registration of hairdressers and barbers and their premises);

Section 47 (Registration of hawkers of food and their premises);

Section 52 (Prevention of smoke from industrial furnaces).

(4) As respects any of the said provisions which requires the 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 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 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 section 65 (As to appeals) of this Act.

Restriction
on right to
prosecute.

64. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part IV (Streets buildings sewers and drains) and Part V (Infectious disease and sanitary matters) of this Act as if they were offences created by or under that Act.

As to appeals.

65.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IV (Streets buildings sewers and drains) (except

section 38 (Further powers as to defective drains &c.) or Part V (Infectious disease and sanitary matters) 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.

PART VIII.
—cont.

(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 a committee of the council with regard to the same matter.

(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.

PART VIII
—cont.

(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.

Damages and charges to be settled by court.

66. 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.

Application of Arbitration Acts.

67. Where under this Act any matter of difference is to be referred to an arbitrator or determined by arbitration other than a matter of difference to which the provisions of the Lands Clauses Acts apply such matter of difference shall unless other provision is made be referred to and determined by an arbitrator to be agreed upon by the parties to the matter of difference or in default of such agreement to be appointed on the application of either party (after notice to the other of them) 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 reference and determination.

Inquiries by Minister.

68. 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 (Power of government departments to direct inquiries) of the Act of 1933 shall apply accordingly.

Compensation how to be determined.

69. 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.

Application of section 265 of Public Health Act 1875.

70. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local enactment for the time being in force in the borough as if the same were re-enacted therein.

Application of provisions of Act of 1936.

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

- Section 271 (Interpretation of “provide”);
- 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); PART VIII.
—cont.
- 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 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 15 & 16 Geo. 5.
c. 22. Charges Act 1925):

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part IV (Streets buildings sewers and drains) and Part V (Infectious disease and sanitary matters) of this Act.

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

- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 285 (Service of notices &c.).

Ch. xlviii. *St. Helens Corporation* 11 & 12 GEO. 6.
(*Electricity and General Powers*) Act, 1948.

PART VIII.
—cont.
Saving for
town and
country
planning.
Costs of Act.

72. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

73. 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 in the first instance be paid by the Corporation.

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