



CHAPTER xliii

An Act to confer further powers upon the mayor aldermen and burgesses of the county borough of Bolton and to make further provision with regard to the transport undertaking and the markets undertaking of the Corporation to confer further powers upon them with reference to the acquisition and user of lands to make further provision for the improvement health and good government of the borough to authorise the supply of heat by means of hot water or steam to make further provision with reference to the redemption of gas annuities and the finances of the borough and for other purposes. [30th July 1949.]

WHEREAS the borough of Bolton (hereinafter referred to as "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council of the borough:

And whereas under and by virtue of the Bolton and Suburban Tramways Order 1878 confirmed by the Tramways Orders Confirmation (No. 1) Act 1878 and subsequent enactments the Corporation constructed and worked tramways within and without the borough: 41 & 42 Vict. c. ccxxxi.

And whereas the use of such tramways has been discontinued and it is expedient that the discontinuance thereof should be confirmed and the abandonment thereof authorised as by this Act provided:

And whereas by virtue of the Bolton Corporation Act 1925 the Corporation have certain powers of running trolley vehicles within and without the borough and it is expedient that the 15 & 16 Geo. 5. c. xlvii.

further powers of running trolley vehicles contained in this Act should be conferred upon them and that the other provisions contained in this Act with reference to their transport undertaking should be enacted :

And whereas it is expedient that further and better provision should be made with reference to the acquisition and user of lands by the Corporation :

And whereas the Corporation are the owners of a markets undertaking and it is expedient to authorise an increase or alteration in the market tolls stallages rents or charges chargeable by and to confer further powers upon the Corporation in regard to that undertaking :

And whereas it is expedient that the Corporation should be authorised to supply heat by means of hot water or steam in the borough :

And whereas it is expedient that further and better provision should be made with reference to streets buildings nuisances and sanitary matters and for the health improvement and good government of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended as by this Act provided :

12 & 13 Geo. 5.
c. xciii.

And whereas by the Bolton Corporation Act 1922 the fourteen separate districts into which before the passing of that Act the borough was divided for the purpose of rating for sanitary purposes were abolished except the district known as the Astley Bridge district and it was provided that the borough should comprise only two separate rating districts namely the said Astley Bridge district and a district consisting of the remainder of the borough :

And whereas it is expedient that the said Astley Bridge district should be abolished and that that district should for all purposes form part of the borough :

And whereas the representatives of the local government electors of the said Astley Bridge district have agreed to the abolition of their separate district :

35 & 36 Vict.
c. lxxviii.

And whereas it is expedient that the Corporation should be authorised to redeem the gas annuities created under the provisions of the Bolton Corporation Act 1872 and to borrow money for that purpose :

And whereas it is expedient that further provision should be made for the finances of the borough as by this Act provided :

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

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

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

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

PART I

PRELIMINARY

1. This Act may be cited as the Bolton Corporation Act 1949. Short title.

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

Act divided
into Parts.

Part I—Preliminary.

Part II—Transport.

Part III—Lands.

Part IV—Streets and buildings.

Part V—Public health and sanitary matters.

Part VI—Markets.

Part VII—Sale of coke coal &c.

Part VIII—Heating undertaking.

Part IX—Control of boxing and wrestling entertainments.

Part X—Rating.

Part XI—Financial.

Part XII—Miscellaneous.

Part XIII—General.

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

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

“The borough” means the county borough of Bolton;

“The council” means the council of the borough;

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

“The town clerk” “the treasurer” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the borough and include any person duly appointed

PART I
—cont.

by the Corporation to discharge temporarily the duties of any of those officers ;

“ The transport undertaking ” and “ the water undertaking ” mean respectively the transport undertaking and the water undertaking of the Corporation as from time to time authorised ;

“ The scheduled tramways ” means the tramways specified in the First Schedule to this Act ;

“ Trolley vehicle ” means a mechanically propelled vehicle adapted for use on roads without rails and moved by electrical power transmitted thereto from some external source ;

“ The Act of 1922 ” means the Bolton Corporation Act 1922 ;

“ The Act of 1925 ” means the Bolton Corporation Act 1925 ;

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

“ The Act of 1936 ” means the Public Health Act 1936 and “ the Public Health Acts ” means the Public Health Act 1875 and the Acts amending or extending that Act before the Act of 1936 ;

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

“ The heating undertaking ” means the undertaking authorised by Part VIII (Heating undertaking) of this Act and includes all lands stations boiler-houses properties works buildings machinery plant mains pipes wires posts ducts apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the supply of heat by means of hot water or steam ;

“ Fittings ” for the purposes of the said Part VIII includes air heaters water heaters radiators mains pipes taps cocks valves ferrules and other works and apparatus used for or in connection with the supply or use of heat by means of hot water or steam under the said Part VIII ;

“ The Minister ” means the Minister of Health ;

“ 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 ;

26 Geo. 5. &
1 Edw. 8.
c. 49.
38 & 39 Vict.
c. 55.

10 & 11 Geo. 6.
c. 49.

“The electricity authority” means the British Electricity authority ;

“The electricity board” means the North Western Electricity Board ;

“The gas board” means the North Western Gas Board ;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878 ; 41 & 42 Vict.
c. 76.

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

“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 ;

“Statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust money and any mortgages bonds debentures debenture stock stock or other securities created by a local authority as defined by section 34 of the Local Loans Act 38 & 39 Vict. 1875 but does not include annuities rentcharges or securities transferable by delivery ; c. 83.

“Authorised securities” means any mortgages stock bonds or other securities which the Corporation are for the time being authorised to grant or create or issue or upon or by means of which the Corporation are for the time being authorised to raise money ;

“The gas annuities” means the annuities created under the provisions of the Bolton Corporation Act 1872 or the balance thereof remaining unredeemed for the time being and “a gas annuity” and “the gas annuity” means one of the gas annuities ;

“Enactment” means any Act of Parliament whether public general local or private any order regulation or scheme made under an Act of Parliament or any provision in an Act of Parliament or in any such order regulation or scheme ;

“Contravention” in relation to any enactment byelaw order rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and “contravene” shall be construed accordingly.

(3) 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
TRANSPORT

Definition of
transport
undertaking.

4. As from the passing of this Act the tramway undertaking of the Corporation which includes their omnibus tramway and trolley vehicle undertaking shall be known as the transport undertaking of the Corporation.

Confirmation
of
discontinuance
of certain
tramways and
abandonment
thereof.

5. The discontinuance by the Corporation of the scheduled tramways is hereby confirmed and the Corporation are hereby authorised to abandon the same and as from the date of the passing of this Act all powers duties obligations and liabilities of the Corporation to run tramcars or carriages thereon or otherwise with respect thereto shall cease and determine but nothing in this section shall prejudice or affect the powers of the Corporation to use trolley vehicles along the routes of all or any of the scheduled tramways or any part thereof and those powers shall continue and be of as full force and effect as if this section had not been enacted:

Provided that nothing in this section shall be deemed to extend to authorise the Corporation to use trolley vehicles on any route without obtaining any consent which they are required to obtain under section 31 (Power to use trolley vehicles) of the Act of 1925.

Trolley
vehicles on
new routes.

6.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following routes:—

Route No. 1 (3 furlongs 2.0 chains or thereabouts in length) in the urban district of Westhoughton commencing at the junction of Market Street with Wigan Road and proceeding thence along Wigan Road to and terminating at the junction of Wigan Road with Southfield Drive;

Route No. 2 (5 furlongs 8.4 chains or thereabouts in length) in the borough and the urban district of Westhoughton commencing at the junction of Hulton Lane with St. Helens Road and proceeding thence along Hulton Lane to and terminating at the junction of Wigan Road with Hulton Lane;

Route No. 3 (6 furlongs 2.4 chains or thereabouts in length) in the urban district of Horwich commencing at the junction of Chorley New Road with Scholes Bank and proceeding thence along Scholes Bank Lever Park Avenue Fearnhead Avenue Shaw Road Old Lord's Crescent Green Lane and Darley Street to and terminating at the junction of Darley Street with Lever Park Avenue;

Route No. 4 (2 furlongs 4.0 chains or thereabouts in length) in the borough commencing at the junction of Blackburn Road with Eagley Way and proceeding thence along Eagley Way and Eagley Brow to and terminating at Eagley Bridge:

Provided that as respects any street or road outside the borough the powers conferred by this section shall not be exercised except with the consent of the local authority of the district and (where the local authority are not the highway authority) the consent of the highway authority also but the consent of a highway authority (not being the local authority of the district) shall not be unreasonably withheld and any question whether such consent has or has not been unreasonably withheld shall be determined by the Minister of Transport.

(2) The Corporation may also with the consent of the Minister of Transport use trolley vehicles along any other street or road within or without the borough which the Corporation think it necessary or convenient to use for the purpose of providing a turning point:

Provided that before equipping any street or road without the borough for the purpose of providing a turning point the Corporation shall submit plans of the turning point to the Chief Constable of the County Palatine of Lancaster.

7.—(1) The following provisions of the Act of 1925 so far as they relate to trolley vehicles and are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as fully and effectually as if such provisions had been re-enacted in this Part of this Act with any necessary modifications (that is to say):—

Incorporation
of provisions
of Act of 1925
relating to
trolley vehicles.

Section 33 (Electrical equipment for trolley vehicles);

Section 34 (Corporation to have exclusive right of using apparatus);

Section 35 (For further protection of the London Midland and Scottish Railway Company) with the substitution of references to the commission for the references in that section to the London Midland and Scottish Railway Company and the company respectively and with the omission of the references in that section to canals;

Section 38 (Application of Tramways Act 1870 to trolley vehicles) except so far as that section applies the last two paragraphs of section 46 of the Tramways Act 1870; 33 & 34 Vict.
c. 78.

Section 39 (Application to trolley vehicles of certain provisions of Corporation's Acts) except so far as that section applies sections 63 and 72 of the Act of 1922;

PART II
—cont.

Section 40 (Tramway tolls and charges and application to trolley vehicles of powers of charging on tramways);

Section 41 (Conveyance of mails);

Section 42 (Duties on licences for trolley vehicles);

Subsection (2) of section 43 (Vehicles not to be deemed to be light locomotives or motor cars);

Section 44 (As to railway bridges of insufficient strength);

Section 45 (Approval of trolley vehicles and turning points by Minister of Transport);

Section 47 (Tramway regulations to apply to omnibus undertaking and trolley vehicle undertaking);

Section 48 (Applying section 50 of Act of 1922 to omnibuses and trolley vehicles);

Section 49 (Corporation not to be liable to claims for extraordinary traffic);

Section 52 (As to bridges and roads maintainable by railway and canal companies).

(2) In the application to this Part of this Act of section 41 of the Act of 1922 subsection (B) (4) of that section shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by".

Trolley vehicles to form part of transport undertaking.

8. The trolley vehicles authorised by this Part of this Act to be provided maintained and used by the Corporation and the working and using of such trolley vehicles and all apparatus and equipment provided or erected for working and using the same or otherwise in connection therewith shall for all purposes be deemed to form part of the transport undertaking.

Purchase of land for transport undertaking.

9.—(1) The Corporation by means of an order made by the Corporation and submitted to the Minister of Transport and confirmed by him may be authorised to purchase compulsorily land whether within or outside the borough in connection with the transport undertaking for the purpose of providing turning points or shelters for passengers.

9 & 10 Geo. 6.
c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

Amendment of section 46 of Act of 1925.

10. Section 46 (Working and other agreements) of the Act of 1925 shall be read and have effect as if the words "and any company body or person" were inserted in subsection (1) of that section immediately after the words "any local authority".

11. 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 the said regulations shall extend and apply mutatis mutandis in respect of property found in the trolley vehicles of the Corporation as if such trolley vehicles were public service vehicles.

PART II
—cont.
As to lost property.

12. 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 which may be carried thereon shall be deemed to be public service vehicles within the meaning of the Road Traffic Acts 1930 to 1947.

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

PART III

LANDS

13.—(1) The Corporation may with the consent of the Minister lay out and develop any land for the time being belonging to them and not required for the purposes for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and other buildings and construct sewer pave channel and kerb streets roads and highways:

Power to develop lands.

Provided that nothing in this section shall apply to land acquired by the Corporation under section 38 or section 40 of the Town and Country Planning Act 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

10 & 11 Geo. 6. c. 51.

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

14.—(1) The Corporation may advance money to the purchaser or lessee of any land acquired from or leased by the Corporation for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Loans for erection &c. of buildings.

Provided that any such advance shall not exceed in the case of a building being a dwelling-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 the borrower in the land after the purpose of the loan has been effected.

PART III
—cont.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Corporation by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance—

25 & 26 Geo. 6.
c. 40.

- (a) shall fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935;
- (b) shall fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) shall require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) shall fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) shall authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay 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 said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) shall where the repayment is to be made by an annuity of principal and interest combined and where part of the outstanding principal is repaid under paragraph (e) of this subsection provide for determining the amount by which the annuity shall be reduced;
- (g) shall require the borrower to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance;
- (h) shall require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land and building in respect of which the advance was made but any such transfer shall be made subject to the terms of the instrument securing the advance.

PART III
—cont.

(5) In this section the expression "lessee" includes a person to whom the Corporation have agreed to grant a lease and the expression "lease" shall be construed accordingly.

15. Section 101 (Further powers for the acquisition of lands) of the Act of 1922 shall be read and have effect and shall be deemed always to have been read and have effect as if the words "an appropriate amount shall be carried in the books of the Corporation to the debit of the account relating to such undertaking powers or duties and any other necessary appropriations or adjustments shall be made in the accounts of the Corporation" had been substituted in subsection (3) of that section in lieu of the words "a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation".

Amendment of
section 101 of
Act of 1922.

PART IV

STREETS AND BUILDINGS

16.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved but the erection of the building has not been begun before the passing of this Act at any time before the erection thereof has been commenced) the Corporation may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

Means of
access to
buildings.

(2) If it appears to the Corporation to be necessary that the means of communication to be provided under this section shall be in the form of a street the Corporation may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws or other provisions in force with respect to the construction of new streets.

(3) Where notice of a requirement under this section has been given by the Corporation to any person such person shall not

PART IV
—cont.

begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

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

No building
allowed until
street defined.

17.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for any person to erect the building or any fence nearer to the centre of the street than any posts or other marks by which the width of the street has been defined.

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

No buildings
to be erected
until street
formed.

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

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

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

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

55 & 56 Vict.
c. 57.

19.—(1) The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport. Power to vary width of carriageways and footways.

(2) (a) Not less than twenty-eight days before the Corporation in the exercise of the powers of subsection (1) of this section add to the carriageway of a street any portion of the footway in over or under which any electric lines or works as respectively defined in the Electric Lighting Act 1882 belonging to the electricity board or any mains pipes or apparatus belonging to the gas board (in this section referred to as "apparatus") are situate the Corporation shall give to the electricity board and the gas board notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and the electricity board or the gas board may (and if reasonably so required by the Corporation shall) alter the position of the apparatus to such other position in over or under the carriageway or the footway as may be reasonable. 45 & 46 Vict.
c. 56.

(b) The electricity board and the gas board within fourteen days after the receipt of a notice from the Corporation under paragraph (a) of this subsection shall give to the Corporation not less than fourteen days' notice of their intention to alter the position of the apparatus (otherwise than on the requirement of the Corporation) under the provisions of paragraph (a) of this subsection and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable.

(c) The Corporation shall repay to the electricity board and the gas board the reasonable expenses (hereinafter referred to as "the said expenses") incurred by them of and in connection with the alteration of the position of any apparatus under the provisions of paragraph (a) of this subsection and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) the execution of any works or the doing of any other thing rendered reasonably necessary in consequence thereof:

Provided that if in carrying out any such alteration of position—

(A) (i) the electricity board or the gas board (as the case may be) erect lay or place new apparatus in substitution for their existing apparatus; and

(ii) the existing apparatus was erected laid or placed before the commencement of the period of seven years and

PART IV
—cont.

six months immediately preceding the alteration of position of the apparatus ; or

(B) the said expenses are enhanced by—

(i) the substitution for the existing apparatus of apparatus of greater dimensions (other than length) or of greater capacity or apparatus of improved type ; or

(ii) the laying or placing of apparatus at a depth greater than that of the existing apparatus except where and to the extent to which such greater depth is reasonable in order to avoid interference with other underground apparatus works or structures ;

the electricity board or the gas board (as the case may be) shall themselves bear (in the case referred to in paragraph (A) of this proviso) such proportion of the said expenses as represents the estimated saving of expense to the electricity board or the gas board (as the case may be) resulting from the consequent deferment of the date at which the existing apparatus would have been required to be renewed and (in the case referred to in paragraph (B) of this proviso) such proportion of such expenses as represents the amount by which such expenses exceed the cost which would have been incurred if the dimensions (other than length) or the capacity of the apparatus so laid or placed had been the same as those of the original apparatus or if the apparatus had been laid or placed at the same depth as the existing apparatus :

Provided also that where the apparatus has been laid or placed under upon or over the carriageway or footway affected within the period of two years immediately preceding the giving of the notice referred to in paragraph (a) of this subsection and at the time of the laying or placing of that apparatus the Corporation gave to the electricity board or the gas board (as the case may be) notice in writing of their intention to exercise the powers necessitating the removal or diversion or alteration of position of the apparatus with a statement of the manner in which and the extent to which they intended to exercise such powers no part of the said expenses shall be repayable by the Corporation if the said powers are exercised by them in accordance with the statement so given or with such variation only of the particulars contained in that statement as not prejudicially to affect the electricity board or the gas board (as the case may be).

(d) (i) Any question or dispute which may arise between the Corporation and the electricity board or the gas board under this section shall be referred to arbitration.

(ii) In settling any question or dispute under this subsection the arbitrator shall have regard to any duties or obligations which the electricity board or the gas board (as the case may be) may be under in respect of the apparatus and may if he thinks

fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART IV
—cont.

(3) The Corporation shall not exercise the powers of this section in respect of so much of any street as is situate upon a bridge over any railway or upon the approaches to any such bridge without the previous consent in writing of the railway undertakers:

Provided that such consent shall not be unreasonably withheld and any question as to whether or not such consent is unreasonably withheld shall be determined by the Minister of Transport.

(4) The Corporation shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport.

20.—(1) If in relation to any works authorised by the section of this Act of which the marginal note is "Power to vary width of carriageways and footways" the Corporation require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration. For protection of Postmaster-General.

(2) If in consequence of the exercise or intended exercise by the Corporation of the power conferred on them by the said section the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any street affected by the exercise or intended exercise by the Corporation of the said power the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Corporation shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

- (a) before making such alteration the Postmaster-General shall give a notice to the Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;
- (b) the Corporation may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may

PART IV
—cont.

make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Corporation is to be carried out.

Fencing of
forecourts.

21.—(1) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt is or are a source of danger obstruction or inconvenience to the public the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and a daily penalty not exceeding twenty shillings.

Provision as
to forecourts.

22.—(1) If the Corporation shall by resolution determine that any stall structure or other erection (not being an advertisement to which regulations made in pursuance of section 31 of the Town and Country Planning Act 1947 for the time being apply) on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to pavement
lights.

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

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

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

Window
blinds &c.

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

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

PART IV
—cont.

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

25. For the purpose of preventing danger to pedestrians from traffic the Corporation may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools public baths public parks recreation grounds playing fields alley-ways and passage-ways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 of the Public Health Act 1875 are exercisable by them as respects roads so repairable and the Corporation may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

Power to place
fences near
school
entrances &c.

26.—(1) In so far as the Corporation may indicate by notices conspicuously placed on or in proximity to any grass or other area which is situate in or forms part of or adjoins any street and is mown or maintained by the Corporation in an ornamental condition that such area is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse cattle or vehicle on over or across any such area shall be liable to a penalty not exceeding twenty shillings.

Prohibition of
persons
vehicles &c.
on grass
margins.

(2) Nothing contained in this section shall affect the duty of the Corporation under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930.

20 & 21 Geo. 5.
c. 43.

27. The Corporation when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the private street works in any such street Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street:

Planting of
trees in
private streets.

PART IV
—cont.

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Corporation shall be deemed to be the undertakers.

Restrictions
on rights of
breaking up
streets.

28.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street then when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with electricity gas or water as the case may be. In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

29.—(1) In any street not being a highway repairable by the inhabitants at large the Corporation may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves defray the cost of the repairs out of the general rate fund. Provided that the cost of the repairs executed in any street in any year under this section shall not exceed twelve pounds and ten shillings per one hundred yards of the length of the street.

PART IV
—cont.Urgent repairs
of private
streets.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the borough relating to private street works or private improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

7 Edw. 7. c. 53.

30.—(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 without first notifying the Corporation of his intention so to do and without complying with such terms and conditions as the Corporation think fit including terms and conditions requiring—

Demolition
of buildings.

- (a) the shoring up or the rendering reasonably weatherproof 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 notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals 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 may be recovered by the Corporation from the owner of the site of the demolished building.

PART IV
—cont.

(5) 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 twenty shillings.

(6) Nothing in this section shall apply in relation to any building belonging to any railway undertakers and held by them for the purposes of their undertaking:

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

(7) Nothing in this section shall apply in relation to any poultry-house greenhouse coal-shed or cycle-shed or other similar structure.

Ruinous and dilapidated buildings and neglected sites.

31.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building or part of a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof within a reasonable time specified in the notice—

(a) to execute such works of repair or restoration ; or

(b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary for remedying the cause of complaint.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in the borough is lying on the site of the building or that part thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

(4) If any person fails to comply with a notice served on him under this section the Corporation may themselves—

(a) in the case of a notice served under subsection (2) execute such works of repair or restoration as they think

necessary, or if they think fit demolish the building or any part thereof and remove any rubbish resulting from or exposed by the demolition; or

PART IV
—cont.

(b) in the case of a notice served under subsection (3) remove the rubbish or material;

and in either case recover from that person the expenses reasonably incurred by them in so doing.

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the Corporation.

(6) In this section the expression "building" includes any structure.

32.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act of which the marginal note is "Provisions applicable to last two preceding sections" the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the said section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

Apportionment to frontagers of expenses of sewer constructed under public highway.

(2) A resolution under this section shall not become operative unless and until notice thereof has been published twice in a local newspaper circulating in the borough but shall become operative as from the date of the first of such publications.

Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owners of the land.

33.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

Apportionment to frontagers of expenses of construction of sewer before land became a street.

PART IV
—cont.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer, this section shall not apply to the length of sewer or to such part thereof as was constructed in such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Provisions
applicable
to last two
preceding
sections.

34.—(1) The sum apportionable under either of the two last preceding sections shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;

(b) the erection of a new building shall be deemed to include—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down otherwise than in consequence of fire or other accident to such a distance that the part of that wall remaining (if any) is less than half the previous height of the building the height being measured from the ground level to the highest point of the building;

(ii) the conversion into a dwelling-house of any building not originally constructed for human habitation;

(iii) the conversion of any premises into a factory workshop shop or place of public resort;

(iv) any extension by reason whereof the area occupied by the site of the building will with any previous extension made since the date on which the resolution became operative or the street was laid out (as the case may be) be increased by an area equal to more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated. 15 & 16 Geo. 5.
c. 22.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the

PART IV
—cont.

premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

As to evasion
by owners of
sewerage
expenses.

35. If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

- (a) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land ; and
- (b) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of the section of this Act of which the marginal note is “ Apportionment to frontagers of expenses of sewer constructed under public highway ” or as the case may be of the section of this Act of which the marginal note is “ Apportionment to frontagers of expenses of construction of sewer before land became a street ” ; and
- (c) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the section in question ;

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under either of the said sections of this Act of which the marginal notes are respectively “ Apportionment to frontagers of expenses of sewer con-

structed under public highway" and "Apportionment to frontagers of expenses of construction of sewer before land became a street" may be recovered and is charged on the premises under the said last preceding section.

PART IV
—cont.

36. Section 24 (Power of local authority to recover cost of maintaining certain lengths of public sewers) of the Act of 1936 shall in its application to the borough be read and 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 surveyor 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".

37.—(1) Where any person shall reconstruct or lay in a new position or permanently discontinue the use of any drain which communicates with any sewer or other drain such person shall cause any drain or portion of drain thereby rendered unnecessary and situate in on or under the land of such person to be cut off and sealed at each end.

Abandoned
drains to be
cut off.

(2) Such portion of discontinued or unnecessary drain shall if reasonably required by the Corporation in the interests of public health be taken up destroyed or filled in with concrete or in such other manner as may be specified by the Corporation in any such requirement.

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

38.—(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 (exclusive of so much of such footpath or approach as passes through the garden of or through any land within the curtilage of such house) in accordance with the reasonable requirements of the Corporation.

Maintenance of
footpaths &c.

(2) Any person who contravenes the provisions of this section after the expiration of a period of twenty-eight days (or such longer period as may be allowed by the Corporation) from the

PART IV
—cont.

receipt of notice from the Corporation shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Direction
signs.

39.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of such street and the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give to the owner of such house building or place notice of their decision so to do.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign otherwise than in the course of demolishing or altering the house or building shall be liable to a penalty not exceeding two pounds and the Corporation may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1947 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

Carriage-
crossings at
ends of private
streets.

40.—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any highway so repairable and the use of such street involves passage across or interference with any part of such highway the Corporation may require the person by whom such street has been or is being laid out or constructed to construct across such part of the highway a carriage-crossing of such materials and in such manner as they may prescribe.

(2) Not less than twenty-eight days before prescribing the manner in which a carriage-crossing shall be constructed under subsection (1) of this section the Corporation shall give notice thereof to the electricity board and shall if requested by the said board require the lowering of any mains or apparatus of the said board to such depth below the surface of the carriage-crossing not exceeding four feet measured from the upper side of any such main or apparatus as the said board may prescribe and the work of such lowering may be carried out by the said board and the cost reasonably incurred by them in so doing shall be repaid to them by the Corporation who may recover the same from the person and in the manner from whom and in which expenses are recoverable under subsection (3) of this section.

(3) If the Corporation require the construction of any carriage-crossing across any part of a highway repairable by the inhabitants at large they may execute such works as may be necessary

to secure compliance with such requirement and recover the expenses of so doing from the person by whom such street has been or is being laid out or constructed.

PART IV
—cont.

(4) Nothing in this section shall impose on the person by whom such street has been or is being laid out or constructed any obligation to maintain any crossing constructed in pursuance of a requirement under this section.

(5) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the town clerk or surveyor made before the passing of this Act certified that such street had before the first day of July one thousand nine hundred and forty-eight been completed in accordance with plans and specifications approved and required by the Corporation as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at that date been taken over by the Corporation.

41.—(1) In any case in which plans and particulars of the proposed development of land are required to be furnished to the Corporation the Corporation as a condition of their approval thereof may require the owner of the land upon which any new street is to be laid out to undertake to pay and to give security for the payment of any expenses which may be incurred by the Corporation in executing any private street works with respect to such street or any part thereof and such owner or his successors in title shall not lay out such street unless any undertaking and security required by the Corporation shall have been given.

Security for
private street
works.

(2) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds.

42. If—

(a) any owner of land fronting adjoining or abutting on a street within the meaning of section 150 of the Public Health Act 1875 and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and

(b) any expenses of works executed by the Corporation under the said section 150 in or in relation to that street are apportioned on such part or portion of that land; and

(c) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and

As to evasion
by owners of
private street
works
expenses.

PART IV
—cont.

- (d) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the said section 150 ;

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under the said section 150 may be recovered as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

PART V

PUBLIC HEALTH AND SANITARY MATTERS

Smokeless
zones.

43.—(1) The Corporation may by order to be confirmed by the Minister prohibit the emission of smoke from any premises in any area or areas within the borough which may be prescribed in such order.

(2) Before submitting an order under subsection (1) of this section to the Minister the Corporation shall publish in the London Gazette and in one or more local newspapers circulating in the borough a notice—

- (a) stating that such an order has been made and is about to be submitted to the Minister for confirmation ;
- (b) stating the general effect of the order ;
- (c) describing the area or areas to which the order applies ;
and
- (d) stating that within the period of twenty-eight days after a date named in the notice not being earlier than the first publication thereof any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of such notice to the town clerk.

(3) If no objection is duly made or if all objections so made are withdrawn then the Minister may if he thinks fit confirm the order with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

(4) The Corporation shall compile and keep a register of the name and address of every person owning or occupying premises in the borough who at any time after the passing of this Act shall by notice in writing to the town clerk request the Corporation to

serve upon the person making such request a copy of any notice published in pursuance of subsection (2) of this section and the Corporation shall serve upon every such person at the address entered in the said register a copy of any such notice as relates to an order affecting premises owned or occupied by any such person. Provided that the omission to serve a copy of any such last-mentioned notice on one or more of the persons (not being the whole number of such persons affected by any particular order) hereinbefore referred to shall not invalidate or prejudice any order made by the Corporation under subsection (1) of this section or the confirmation of such order by the Minister. Every notice served upon the Corporation by any person under this subsection shall state his name and address and shall specify the property within the borough of which such person is owner or occupier.

(5) An order made under the foregoing provisions of this section may—

(a) in relation to any premises specified in the order—

(i) provide that the premises shall be excluded from the area ;

(ii) provide that the application of the order to the premises shall be deferred for such period as may be specified ;

(b) provide that the application of the order to premises used for any of the following processes shall be deferred for such period as may be specified or indefinitely:—

(i) the working of a mine ;

(ii) the smelting of ores and minerals ;

(iii) the calcining puddling and rolling of iron and other metals ; and

(iv) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals :

Provided that the application of the order to the premises referred to in paragraph (b) of this subsection shall not be deferred on the ground that they are used for any of the said processes unless the Minister is satisfied that the inclusion of the premises within the operation of the order would obstruct or interfere with any such processes.

(6) An order made under this section shall come into operation on but not until such date as may be specified in the order which shall be not less than six months after the date of the first publication of the notice of the confirmation of the order.

(7) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order made under this

PART V
—cont.

section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds:

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted arose solely from the consumption of coke anthracite or any other fuel of a type specified by the Corporation and used in a furnace stove or other appliance which is suitable for burning such fuel and is properly maintained and used.

(8) So soon as may be after an order made under this section has been confirmed by the Minister the Corporation shall publish in one or more local newspapers circulating in the borough a notice stating that the order has been confirmed and naming a place where a copy of the order as confirmed may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Minister of his objection to the order appeared at the public inquiry in support of his objection.

(9) A copy of a newspaper containing a notice published in pursuance of this section shall be sufficient evidence of the publication of the notice.

(10) An order under this section may contain such provisions as the Minister may think expedient—

(a) for enabling the lessee or tenant of any premises within the area to which the order relates who has to incur expense in executing works or providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the order and the owner of such premises to enter into and fulfil agreements making such variations of the terms of the lease or tenancy of the premises as may be reasonable having regard to the expense to be incurred and to other relative circumstances; and

(b) for enabling any lessee or tenant of any such premises who has been unable to make an agreement with the owner thereof under paragraph (a) of this subsection to apply to the county court for an order making such variations of the terms of the lease or tenancy of the premises as aforesaid and for enabling the court to make such an order.

(11) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Minister.

(12) Nothing in this section or in any order made thereunder shall apply (a) to any existing generating station of the electricity authority or any existing works of the gas board for the manufacture or storage of gas or (b) to any generating station or any works for the manufacture or storage of gas permission for the construction or extension of which by the electricity authority or the gas board (as the case may be) is granted or deemed to be

granted in accordance with the provisions of the Town and Country Planning Act 1947.

PART V
—cont.

(13) Nothing in this section or in an order made thereunder shall apply to smoke emitted from a railway locomotive.

(14) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the provisions of any order made by the Corporation and confirmed by the Minister under this section.

44.—(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. Prevention
of smoke.

(2) 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.

(3) If any person before installing in any building a furnace to which this section applies submits to the Corporation plans and specifications of the proposed furnace and furnishes them with such other necessary information with regard thereto as the Corporation may require the Corporation shall within a period of six weeks from the date on which such plans and specifications are received by them serve a notice upon such person stating whether they are or are not 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 specifications and information so submitted and furnished.

(4) 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.

(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 V
—cont.Power to order
alteration of
chimneys.

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

As to ashpits.

46. Where the Corporation in pursuance of the powers conferred upon them by section 75 (Regulation dustbins) of the Act of 1936 require the owner or occupier of any building to provide dustbins or undertake themselves to provide and maintain dustbins and there exists at the date of such requirement or undertaking an ashpit for use in connection with such building the Corporation may either—

- (a) seal up such ashpit and close all openings or other means of access thereto ; or
- (b) convert such ashpit as a covered receptacle in which the dustbins provided in respect of such building shall be placed.

Charges for
dustbins.

47. Where the Corporation pursuant to subsection (3) of section 75 (Regulation dustbins) of the Act of 1936 undertake themselves to provide and maintain dustbins the Corporation may by notice require the owner or occupier of the building in respect of which dustbins are so provided to repay to the Corporation the costs incurred by them in providing such dustbins and any such costs may be recovered by the Corporation in the like manner as annual charges are recoverable by them under the said subsection (3):

Provided that nothing in this subsection shall extend to authorise the Corporation to require the owner or occupier of a building to repay to the Corporation the costs incurred by them in providing a dustbin in replacement of a dustbin previously provided by them.

Registration of
hairdressers
and barbers
and premises.

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

(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

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

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

(4) (a) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which there is 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 or person except a qualified medical practitioner in the employment of the Corporation or the sanitary inspector.

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

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

PART VI

MARKETS

Tolls in
Corporation
markets and
slaughter-
houses &c.

49.—(1) As from the date of the passing of this Act section 153 (Increase of market tolls &c.) of and the Fourth Schedule to the Act of 1922 are hereby repealed and the Corporation may demand and take—

- (a) in respect of any market or market-place for the time being belonging to them any tolls stallages rents or charges not exceeding the tolls stallages rents and charges set out in Part I of the Second Schedule to this Act ;
- (b) in respect of fairs any tolls or charges not exceeding the tolls and charges set out in Part II of the said Second Schedule ;
- (c) for weighing or measuring articles any charges not exceeding the charges set out in Part III of the said Second Schedule ;
- (d) for the use of weighing machines any charges not exceeding the charges set out in Part IV of the said Second Schedule ;
- (e) for the use of slaughter-houses any tolls not exceeding the tolls set out in Part V of the said Second Schedule.

(2) The Corporation may with the sanction of the Secretary of State from time to time alter or add to the tolls stallages rents and charges set out in the Second Schedule to this Act and any such altered tolls stallages rents and charges shall as from the date on which they come into operation be substituted for the corresponding tolls stallages rents and charges payable under the said Second Schedule.

(3) The Corporation may also from time to time in addition to the charges referred to in this section make such charges as the Secretary of State may sanction for or in respect of the provision of light heat or water for the accommodation of persons using or occupying shops stalls standings or space in the markets of the Corporation or in any fair and for the cleansing of and removal of refuse from any such shop stall standing or space.

(4) Notice of the intention of the Corporation to apply to the Secretary of State for his sanction in respect of anything contained in subsection (2) and subsection (3) of this section relating to fairs shall be published in the London Gazette.

50. As from the date of the passing of this Act the Corporation may demand and take for every licence granted by them under section 59 (Licence for sale out of market) of the Bolton Improvement Act 1882 any sum not exceeding the sums specified in the Third Schedule to this Act and as on and from the said date the provisions of the said section 59 shall be read and have

Increase of
rating for
licences for
sale out of
market.
45 & 46 Vict.
c. ccxliv.

effect as if the words "the Third Schedule to the Bolton Corporation Act 1949" were substituted in that section for the words "the Third Schedule to this Act".

PART VI
—cont.

51. As from the date of the passing of this Act—

(a) section XCIX (Corporation may lease markets and tolls); and

(b) section C (Corporation may let stalls in market and fairs) so far as it relates to shops;

Amendment of sections XCIX and C of Act of 1854.

of the Bolton Improvement Act 1854 shall respectively be read 17 & 18 Vict. and have effect as if the words "except with the consent of the Minister of Health twenty-one years" had been substituted in the said section XCIX for the words "Three years" and as if the period of ninety-nine years had been substituted in the said section C for the period of three years mentioned therein.

c. clix.

PART VII

SALE OF COKE COAL &C.

52. The provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 as amended by this Part of this Act and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Application to sale of coke of Weights and Measures Act 1889.

52 & 53 Vict.
c. 21.

53. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded such seller or person in charge shall be guilty of an offence and shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Penalty on fraudulent sale.

54.—(1) Every vehicle carrying coal or coke for sale or for delivery on sale shall have the seller's name and place of abode or business together with the words "coal merchant" or "coke merchant" as the case may require clearly marked and visible on the near side of such vehicle. Provided that vehicles belonging to or used by the National Coal Board shall sufficiently comply with the provisions of this section if the words "National Coal Board" are clearly marked on such vehicles and visible from the near side thereof.

Requirements as to vehicles carrying coal or coke for sale or delivery on sale.

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

PART VII
—cont.

Amendment of section 27 of Weights and Measures Act 1889 in its application to borough.

55. Proviso (a) to section 27 (Power to require weighment of coal or vehicle) of the Weights and Measures Act 1889 in its application to the borough shall be read and have effect as if in that proviso the words "one and a half miles" were substituted for the words "half a mile".

As to sale of coal or coke otherwise than in sacks from a vehicle.

56.—(1) Any person offering for sale or intending to offer or expose for sale coal or coke from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Corporation and stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal or coke on such vehicle and shall before leaving the place at which the coal or coke was loaded be furnished with a ticket or note stating the gross tare and net weight of such load and shall produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation on demand and shall deliver such ticket to the purchaser or his servant before any part of the coal or coke is unloaded.

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

As to sale in sacks of coal or coke in quantities exceeding two hundredweight.

57.—(1) Where—

(a) any quantity of coal or coke exceeding two hundredweight is delivered by means of any one vehicle on any one journey to more than one purchaser; or

(b) any person sells or intends to sell or exposes or offers for sale coal or coke from or on any vehicle in quantities exceeding two hundredweight;

and such coal or coke is carried on such vehicle in sacks the net weight of coal or coke in any one sack shall be equal to one of the following weights (that is to say):—

- two hundredweight;
- one hundredweight;
- one-half of a hundredweight;
- one-quarter of a hundredweight;

and each sack shall be legibly marked so as to show the net weight of coal or coke carried in such sack and a weighing instrument of a type approved by the Corporation and stamped by an inspector of weights and measures shall be carried on such vehicle.

(2) If default is made in complying with any of the requirements of subsection (1) of this section or the net weight of coal or coke in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in section 21 of the Weights and Measures Act 1889 the seller of the coal

or coke and the person responsible for loading the coal or coke on such vehicle and the person in charge of such vehicle shall severally be liable to a penalty not exceeding five pounds.

PART VII
—cont.

(3) In addition to the matters which in accordance with the said section 21 and the Third Schedule to the said Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in all cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal or coke in each of such sacks and the said section 21 in its application to the borough shall be read and have effect accordingly.

58. The provisions of this Part of this Act relating to coke shall apply to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

Application of
Part VII of
Act.

59. Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in a newspaper published or circulating in the borough.

Notice of
Part VII of Act.

No evidence shall be required in any proceedings that the provisions of this section have been complied with.

PART VIII

HEATING UNDERTAKING

60.—(1) The Corporation may supply heat by means of hot water or steam to such premises in the borough as they may think fit and upon and subject to the terms and conditions provided by this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises:

Supply
of heat.

Provided that in the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Without prejudice to the generality of the foregoing provisions of this section such terms and conditions may include the power to cut off a supply of heat in such circumstances as may be prescribed in those terms and conditions.

(3) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice thereof to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice shall be given by the Corporation to the owner of such premises.

PART VIII
—cont.
Works for
provision of
heat.

61.—(1) Subject to the provisions of this Part of this Act the Corporation may on lands in the borough belonging or leased to them erect lay down maintain work and use stations boiler-houses mains pipes and other works for providing storing transmitting and distributing heat by means of hot water or steam or taking a supply of heat and for producing any material product matter or thing arising or used in the process of such provision of heat by means of hot water or steam including the generation of electricity together with such buildings boilers engines machinery sidings electric lines matters and things of whatever description as may be required by the Corporation to enable them to provide store transmit and distribute heat by means of hot water or steam and the Corporation may accordingly on those lands provide store transmit and distribute heat by means of hot water or steam and may produce such materials products matters and things:

Provided that—

- (a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted;
- (b) any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

- (a) to the electricity authority; or
- (b) with the approval of the electricity authority to the electricity board;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the electricity authority and the electricity board) elsewhere.

(3) The electricity authority shall take all the electricity generated by the Corporation as aforesaid which is not—

- (i) required for or in connection with the supply of heat; or
- (ii) supplied to the electricity board with the approval of the electricity authority;

upon such terms and conditions as may be agreed between the Corporation and the electricity authority or in default of agreement determined by arbitration on the basis of a supply by a willing seller to a willing buyer.

62.—(1) If the Corporation shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act the Corporation shall forthwith give to the Minister of Fuel and Power and to the electricity authority and to the gas board notice of such resolution together with such information with regard to such station as the electricity authority or the gas board may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station (but not details of design) the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities of heat required by the Corporation for the purposes of the heating undertaking and of the times and form at and in which such quantity or quantities will be required Any dispute between the Corporation on the one hand and the electricity authority or the gas board on the other hand as to whether any information is reasonably required by the electricity authority or the gas board under this subsection shall be referred to and determined by the Minister of Fuel and Power.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the electricity authority or the gas board may serve upon the Corporation a counter-notice offering a supply of heat to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Corporation and the electricity authority or the gas board as the case may be.

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Corporation and the electricity authority or the gas board as the case may be the terms and conditions upon which a supply of heat is to be given to the Corporation by the electricity authority or the gas board for the purposes of the heating undertaking are not agreed between them the Corporation shall if they propose to proceed with their proposals submit to the Minister for determination the question whether a supply of heat shall be afforded to the Corporation by the electricity authority or the gas board and (if he determines that a supply of heat is to be afforded by the electricity authority or the gas board) the terms and conditions upon which such a supply is to be afforded.

(4) If the Minister determines that a supply of heat shall be afforded to the Corporation by the electricity authority or the gas board the electricity authority or the gas board as the case may be shall afford such a supply in accordance with terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the electricity authority or the gas board offered a supply of heat to the Corporation the electricity authority or the gas board as the case may be may

PART VIII
—cont.

As to
construction of
station for
providing heat.

PART VIII
—cont.

within twenty-eight days after the receipt of the determination of the Minister give notice in writing to the Minister and the Corporation that the said terms or conditions are not acceptable and thereupon they shall not be required to afford a supply of heat to the Corporation and the Corporation shall be entitled to proceed with their proposals as if this section had not been enacted unless within twenty-eight days of such last-mentioned notice the Corporation serve on the electricity authority or the gas board as the case may be a notice requiring a supply in which case the electricity authority or the gas board as the case may be shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

Power to buy
heat in bulk.

63.—(1) The Corporation may enter into and carry into effect agreements with any persons competent to supply heat by means of hot water or steam for the furnishing to the Corporation by such persons of a supply of heat by means of hot water or steam for the purposes of this Part of this Act and any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of waste heat hot water or steam from any generating station or gas-works and any authority entitled to give any such supply may enter into such an agreement.

Compulsory
acquisition of
land for
heating
undertaking.9 & 10 Geo. 6.
c. 49.

64.—(1) The Corporation by means of an order made by the Corporation and submitted to the Minister and confirmed by him may be authorised to purchase land in the borough compulsorily for the purposes of the heating undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) In this section the expression “land” includes easements and other rights in respect of land and the Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land. In relation to the compulsory acquisition of any such easement or other right the said Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or other right is acquired

and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or other right.

PART VIII
—cont.

(4) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights have the same rights of using and cultivating the said lands at all times as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal by whom the compensation is to be assessed determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (5) of this section.

65.—(1) For the purposes of this Part of this Act the Corporation shall have and may exercise the like powers and duties and be subject to the like restrictions as a local authority who supply water under the Act of 1936 have and are subject to under section 119 of that Act with respect to the laying and maintenance of water mains and for that purpose the mains and pipes for supplying heat by means of hot water or steam shall be deemed to be water mains and section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) and section 333 (Protection for works of dock undertakers and for railways) of the Act of 1936 shall apply to the exercise of those powers:

Powers as to
mains and
pipes.

Provided that nothing in this section shall authorise the Corporation—

(a) to lay down a main outside the borough except for the purpose of—

(i) giving or facilitating a supply of heat by means of hot water or steam within the borough; or

(ii) taking a supply of heat by means of hot water or steam from any works or premises outside the borough; or

PART VIII
—cont.

(b) to lay down a main in or within two hundred and twenty feet from the centre of a trunk road without the consent of the Minister of Transport; or

(c) to supply heat by means of hot water or steam to any premises outside the borough.

(2) The Corporation may in any street within the borough lay down such service pipes with such stopcocks and other fittings as they deem necessary for supplying heat by means of hot water or steam to premises within the borough and may from time to time inspect repair alter or renew and may at any time remove any service pipe stopcock or other fitting laid down in a street whether by virtue of this subsection or otherwise.

(3) (a) Where a service pipe has been lawfully laid down in on or over any land not forming part of a street the Corporation may from time to time enter upon that land and inspect repair alter renew or remove the pipe or lay down a new pipe in substitution therefor but shall pay compensation for any damage done by them.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by an arbitrator to be appointed in default of agreement by the Minister.

(4) The Corporation may erect and maintain in any street notices indicating the position of underground fittings used for controlling the flow of hot water or steam through their mains and pipes and may affix such a notice to any house or other building wall or fence.

(5) In this subsection the expression "service pipe" means a pipe for supplying heat by means of hot water or steam from a main to any premises.

12 & 13 Geo. 6.
c. 32.

(6) For the purposes of section 4 of the Special Roads Act 1949 the Corporation in relation to the powers conferred upon them by this section shall be deemed to be statutory undertakers.

Consultation
with electricity
authority and
boards as to
certain works.

66.—(1) Before the Corporation—

(a) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act; or

(b) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section;

they shall give to the Minister and to the electricity authority and the electricity board and the gas board notice of their

proposals and such information with regard thereto as the electricity authority or the electricity board or the gas board may within six weeks of the receipt of such notice reasonably require and shall consult with the electricity authority and the electricity board and the gas board on such proposals. Any dispute between the Corporation and the electricity authority or the electricity board or the gas board as to whether any information is reasonably required by the electricity authority or the electricity board or the gas board under this subsection shall be referred to and determined by the Minister.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section such information shall include particulars of the proposals (if any) of the Corporation as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes and apparatus of the electricity authority and the electricity board and the gas board from damage or injury arising directly or indirectly from any mains or pipes to be laid down or placed by the Corporation under the powers of this Part of this Act ;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom ;
- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted or distributed by the Corporation ;
- (d) the methods for measuring the volume temperature and pressure of the hot water or steam so stored transmitted or distributed ; and
- (e) the independent testing of such measurements.

(3) The electricity authority and the electricity board and the gas board or any of them may within three months after the receipt of such notice or the receipt of such information (whichever is the later) make representations to the Minister with respect to such proposals.

(4) If no such representations are made the Corporation shall not proceed except in accordance with the proposals sent to the electricity authority and the electricity board and the gas board or any alteration thereof which may be agreed.

(5) If any such representations are made the Corporation shall not proceed with their proposals except with the approval of the Minister and in accordance with any modification of such proposals which the Minister may require.

PART VIII
—cont.

(6) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

(7) In and for the purposes of this section "the Minister" means the Minister of Fuel and Power.

Power to
supply fittings.

67.—(1) In any premises to which the Corporation supply or propose to supply heat by means of hot water or steam they may provide (but not manufacture) and may supply by way either of sale or hire any such fittings as may be required for or in connection with the utilisation of the heat so supplied and may instal repair or alter any such fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair or alteration.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any fittings let by the Corporation for hire and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be ; and

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) removable by the Corporation :

1 & 2 Geo. 6
c. 53.

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) (a) The Corporation shall so adjust the charges to be made by them under this section as to meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums carried to a sinking fund for repayment of moneys so borrowed.

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year

including interest and any sums carried to a sinking fund shall be separately shown in the abstract of accounts of the Corporation for that year.

PART VIII
—cont.

(6) If any person wilfully injures or suffers to be injured any fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

68.—(1) The Corporation may from time to time prescribe a scale of charges (in this section called "heating charges") for heat supplied to premises under the powers of this Act and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed to pay the same in which case they shall be payable by the owner.

Collection and
recovery of
heating
charges.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

69.—(1) Subject to the provisions of this section any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises in the borough at all reasonable hours for the purpose of—

Power to enter
premises.

(a) inspecting and examining any fittings whether belonging to the Corporation or not ;

(b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act ;

(c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act ;

(d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation :

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier :

Provided also that nothing in this section shall authorise any officer of the Corporation without the previous consent in writing of the electricity authority or the electricity board or the gas

PART VIII
—cont.

board (as the case may be) to enter any premises occupied or used by the electricity authority or the electricity board or the gas board in connection with the generation or supply of electricity or the manufacture storage or supply of gas other than offices or showrooms.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry ; and
- (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid ;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises and if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

70.—(1) If any person wilfully and without the consent of the Corporation turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat or hot water or steam to be interfered with he shall be

liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(2) If any person wrongfully takes uses or diverts any heat or hot water or steam from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds.

71.—(1) The Corporation may make byelaws for preventing the waste misuse or contamination of or interference with the circulation of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste or undue consumption of heat supplied under this Part of this Act. Byelaws for protection of heating undertaking.

(2) Byelaws under this section may include provisions—

(a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the fittings to be used ; and

(b) forbidding the use of any fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—

(i) waste misuse or contamination of or interference with the circulation of hot water or steam ;

(ii) reverberation in pipes ; or

(iii) waste or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws of the Corporation to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(4) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on premises which belong to the commission and are held or used by them for the purposes of their railway so long as those fittings are not of such a nature or so arranged or connected as to cause or permit or be likely to cause or permit—

(a) waste misuse or contamination of or interference with the circulation of hot water or steam ;

PART VIII
—cont.

- (b) reverberation in pipes ; or
(c) waste or undue consumption of heat:

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or dwelling-houses or in offices not forming part of a railway station.

Power to
require deposit
as security for
payment of
accounts.

72. The Corporation may require any person desiring to take a supply of heat by means of hot water or steam or to be supplied with fittings or materials under this Part of this Act to deposit with the Corporation such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply or of any fittings or materials supplied to him in connection therewith.

Discounts for
prompt
payment.

73. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of heat by means of hot water or steam or for fittings supplied or for materials provided or for work done at the request of the owner or occupier of premises from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges:

Provided that the Corporation shall make the same allowance to all persons under similar conditions.

Notice to be
given by
persons
supplied with
heat before
quitting
premises.

74.—(1) If the occupier of any premises supplied with heat by means of hot water or steam by the Corporation quits the premises without giving notice thereof to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter for heating on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the Corporation at the town hall so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heat charges payable to the Corporation.

Reports and
returns with
respect to
heating under-
taking and
supply of heat.

75.—(1) The Corporation shall give to the electricity authority and the electricity board and the gas board such reports and returns and such information with respect to the heating undertaking as the electricity authority or the electricity board or the

gas board may reasonably require and the electricity authority and the gas board shall give to the Corporation such reports and returns and such information with respect to any supply by them of heat by means of hot water or steam as the Corporation may reasonably require.

(2) Any dispute between the Corporation on the one hand and the electricity authority or the electricity board or the gas board on the other hand as to whether any reports returns or information are reasonably required by the electricity authority or the electricity board or the gas board or the Corporation (as the case may be) shall be determined by the Minister of Fuel and Power.

76. For the protection of the electricity authority and the electricity board and the gas board (each of whom is 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
electricity and
gas
undertakers.

(1) In this section—

the expression "apparatus" means—

(a) in relation to the electricity authority or the electricity board any electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to the electricity authority or the electricity board (as the case may be); and

(b) in relation to the gas board any mains pipes or other apparatus belonging to the gas board;

the expression "authorised work" means any main service pipe conduit duct or other work laid down placed or executed by the Corporation for the purposes of the heating undertaking in the exercise of the powers of this Part of this Act or any Act incorporated therewith:

(2) Where the Corporation require to dig or sink any trench for laying down placing or constructing any authorised work near to which any apparatus has been lawfully placed the Corporation shall give to the board to whom such apparatus belongs notice in writing of such requirement together with plans sections and particulars of the authorised work to be laid in such trench. If it should appear to the board that the laying down placing or construction of such authorised work would injure interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of electricity or gas (as the case may be) by

PART VIII
—cont.

means thereof the board may within fourteen days from the receipt of such notice give to the Corporation notice in writing of their intention to alter the position of such apparatus in such manner as may be reasonably necessary for avoiding any such injury interference danger or impediment and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration. The board shall themselves commence execute and complete such alterations with all reasonable dispatch and to the reasonable satisfaction of the Corporation and all reasonable expenses properly incurred by them under this subsection shall be repaid to them by the Corporation. Provided that if the board shall fail to commence execute and complete such alterations with all reasonable dispatch the Corporation after giving seven days' notice in writing to the board of their intention so to do may commence execute complete such alterations and all such alterations shall be carried out with as little detriment and inconvenience to the board as the circumstances will admit:

- (3) The Corporation in laying down placing or constructing any authorised work shall not interfere with the access to any apparatus to any greater extent than is necessary for the purpose of or in connection with the carrying out of that work and shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of electricity or gas (as the case may be) into or through any apparatus without the consent (which shall not be unreasonably refused) of the board or in any other manner than the board shall reasonably approve nor in the case of apparatus proposed to be removed or displaced until good and sufficient apparatus and other works reasonably necessary or proper for continuing the supply of electricity or gas 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 engineer of the board:
- (4) The reasonable expense of all repairs or renewals of—
- (i) any apparatus existing at the time of the laying down placing or construction of the authorised work ;
 - or
 - (ii) any apparatus substituted for such existing apparatus or any part thereof and being of reasonably similar size and type ;

which may at any time hereafter be rendered reasonably necessary by reason of—

PART VIII
—cont.

(a) the acts or defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any of them in the exercise of the powers of this Part of this Act; or

(b) any subsidence resulting from the laying down placing construction or removal of any authorised work whether during the laying down placing constructing or removal of the authorised work or at any time within two years thereafter;

shall be borne and paid by the Corporation:

- (5) The Corporation in laying down placing constructing or removing any 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 or supply lines or pipes of any person supplied by the board with electricity or gas:
- (6) If any difference shall arise between the Corporation and the board or their respective engineers with respect to any matter under this section the matter in difference shall be referred to and determined by arbitration:
- (7) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the board may be under in respect of their apparatus and any duties or obligations which the Corporation may be under in respect of the authorised work and may if he thinks fit require the Corporation or the board to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purposes for which the apparatus is used.

77. Nothing in this Part of this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Corporation not to be exempted from proceedings for nuisance.

PART IX

CONTROL OF BOXING AND WRESTLING ENTERTAINMENTS

78. In this Part of this Act "boxing entertainment" and "wrestling entertainment" mean respectively any public contest exhibition or display of boxing or wrestling (as the case may be) for Part IX.

PART IX
—cont.

except any such contest exhibition or display which is provided or given—

- (a) by travelling showmen at pleasure fairs ; or
- (b) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to a licence under the said Act are complied with as though such contest or display were a stage play ;
- (c) by bona fide associations clubs hospitals or societies which are not carried on for profit ;
- (d) by members of the Boy Scouts Association or of any organisation formed by the Boy Scouts Association in pursuance of their charter ; or
- (e) by any school.

6 & 7 Vict.
c. 68.

Boxing &c.
entertainments
to be given
only in
licensed
premises.

79. As from the commencement of this Part of this Act a boxing entertainment or a wrestling entertainment shall not be given within the borough elsewhere than in premises licensed for the purpose in accordance with the provisions of the next succeeding section of this Act.

Boxing &c.
entertainment
licences.

80.—(1) The Corporation may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of boxing entertainments or wrestling entertainments or both such forms of entertainment on such terms and conditions and subject to such restrictions as they by the respective licences prescribe.

(2) A licence granted under this section shall be in force for such period (to be stated in the licence) not exceeding thirteen months as the Corporation on the grant of the licence may determine unless it shall have been previously revoked as hereinafter provided :

Provided that the Corporation may if they think fit grant a licence (in this section referred to as an "occasional licence") for the use of any premises for boxing entertainments or wrestling entertainments or both such forms of entertainment on such one or more particular occasions only as may be specified in the licence.

(3) The Corporation may on the application of the persons concerned transfer any licence granted under this section to such person as they think fit.

(4) An applicant for a licence or renewal or transfer of a licence (other than an occasional licence) under this section shall give not less than twenty-one days' notice in writing of his intention to make such application to the Corporation.

(5) Any person making application under this section for the grant renewal or transfer of a licence shall when making the application pay to the Corporation such fee as the Corporation may fix not exceeding—

| | £ | s. | d. |
|---|---|----|----|
| (a) in respect of an application for the grant or renewal of a licence for any period not less than one year | 2 | 0 | 0 |
| (b) in respect of an application for the grant or renewal of a licence for any period less than one year ten shillings for every month for which it is granted or renewed so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed | 2 | 10 | 0 |
| (c) in respect of an application for the grant of an occasional licence | 0 | 10 | 0 |
| (d) in respect of an application for the transfer of a licence | 0 | 5 | 0 |

and the fees paid on any application for the grant renewal or transfer of a licence may be retained by the Corporation whether such licence is or is not granted renewed or transferred.

(6) Except where the licence is an occasional licence there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this section an inscription so as to be easily legible in the following terms:—

“ Licensed for.....entertainments in pursuance of the Bolton Corporation Act 1949 ”.

(7) Any premises used for the purpose of a boxing entertainment or a wrestling entertainment although licensed under this section shall not be open for that purpose except on the days and between the hours stated in the licence.

81.—(1) A police constable or any person appointed for the purpose by the Corporation may at all reasonable times enter any premises licensed under this Part of this Act in which there is reason to believe that a boxing entertainment or a wrestling entertainment is being or is about to be given with a view to seeing whether the provisions of this Part of this Act and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted have been complied with. Powers of entry and inspection.

(2) A police constable or any person appointed for the purpose by the Corporation may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which there is reason to suspect that an offence under this Part of this Act is being committed.

PART IX
—cont.

(3) Every person who refuses to permit any such premises to be entered or inspected in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to make
byelaws.

82. The Corporation if they think fit may (subject to the provisions of this Part of this Act) make byelaws prescribing generally the terms conditions and restrictions on and subject to which licences under this Part of this Act may or are to be granted renewed or transferred and if any such byelaws be made every such licence shall (without prejudice to the powers of the Corporation to grant renew or transfer a licence on and subject to any special terms conditions or restrictions) be deemed to be granted renewed or transferred subject to the byelaws.

Power to
revoke licences.

83. If the holder of a licence granted renewed or transferred under this Part of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the Corporation.

Penalties under
Part IX of Act.

84. Every occupier of any premises in the borough who after the commencement of this Part of this Act uses those premises or allows those premises to be used—

- (a) for a boxing entertainment or a wrestling entertainment without a licence ; or
- (b) in contravention of the terms conditions or restrictions on or subject to which any licence relating to the use of the premises for a boxing entertainment or a wrestling entertainment has been granted renewed or transferred ;

shall be liable—

- (i) in respect of an offence under paragraph (a) of this section to a penalty not exceeding fifty pounds ; and
 - (ii) in respect of an offence under paragraph (b) of this section to a penalty not exceeding twenty pounds ;
- and in either case to a daily penalty not exceeding five pounds.

PART X

RATING

Abolition of
Astley Bridge
district and
provision for
differential
rating.

85.—(1) On and from the appointed day—

- (a) paragraphs (c) (d) (e) (f) and (g) of section 167 (Abolition of certain separate rating districts in the borough) of the Act of 1922 shall be and are hereby repealed ;
- (b) the Astley Bridge district shall cease to exist as a separate rating district for sanitary purposes and shall for all purposes form part of the borough ;

(c) the Astley Bridge district committee shall be dissolved and cease to have any functions powers and duties and subject as is by this Act expressly provided all rights benefits privileges exemptions obligations and liabilities attaching to the Astley Bridge district and not to the remainder of the borough shall cease to exist.

(2) Any moneys standing to the credit of the Astley Bridge district fund or the fund established pursuant to paragraph (e) of the said section 167 immediately before the appointed day shall on the appointed day be transferred to and carried to the credit and form part of the general rate fund and all debts and liabilities incurred or accrued or accruing due before the appointed day which would have been paid or discharged out of either of those funds if this Act had not been passed shall on and after the appointed day be paid and discharged out of the general rate fund.

(3) The total amount in the pound of the general rate to be made and levied by the Corporation in respect of any hereditament in the part of the borough which immediately before the appointed day comprised the Astley Bridge district shall in each of the years hereinafter specified be less than the total amount in the pound of the general rate made and levied by the Corporation in the same year in respect of any hereditament situate in the remainder of the borough by the respective following amounts:—

In the year ending the thirty-first day of March one thousand nine hundred and fifty-one one shilling and sixpence ;

In the year ending the thirty-first day of March one thousand nine hundred and fifty-two one shilling and threepence ;

In the year ending the thirty-first day of March one thousand nine hundred and fifty-three one shilling ;

In the year ending the thirty-first day of March one thousand nine hundred and fifty-four ninepence ;

In the year ending the thirty-first day of March one thousand nine hundred and fifty-five sixpence ;

In the year ending the thirty-first day of March one thousand nine hundred and fifty-six threepence.

(4) Any abatement from a general rate afforded by the Corporation in pursuance of the foregoing provisions shall be entered on all demand notes for rates issued to ratepayers of the area to which the abatement extends and the net amount in the pound of the rate shall be distinguished.

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

“the appointed day” means the first day of April one thousand nine hundred and fifty ;

“the Astley Bridge district” means that part of the borough which immediately before the appointed day comprised the district bearing that name ;

PART X
—cont.

“ the Astley Bridge district committee ” means the committee constituted by the Corporation for managing the Astley Bridge district ;

“ the Astley Bridge district fund ” means the Astley Bridge district fund constituted and kept pursuant to section 76 of the Bolton Turton and Westhoughton Extension Act 1898 and section 167 of the Act of 1922.

61 & 62 Vict.
c. ccxlii.

As to recovery
of rates from
tenants and
lodgers.

15 & 16 Geo. 5.
c. 90.

86. For the purposes of section 15 (Recovery of rates from tenants and lodgers) of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

PART XI
FINANCIAL

Power to
borrow.

87.—(1) Subject to the provisions of this Act the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table:—

| (1) Purpose | (2) Amount | (3) Period for repayment |
|--|--------------------|--|
| (a) For redeeming the gas annuities under the section of this Act of which the marginal note is “ Redemption of gas annuities ”. | The sum requisite. | Thirty years from the date on which the Corporation resolve to pay off and redeem the gas annuities. |
| (b) For payment of the cost charges and expenses of this Act. | The sum requisite. | Five years from the passing of this Act. |

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

(3) In the application of the provisions of Part IX of the Act of 1933 to the borrowing of moneys for the purposes of Part II (Transport) of this Act the Minister of Transport shall be the sanctioning authority.

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

PART XI
—cont.

Application of
Act of 1933 to
existing
sinking funds.

89. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Saving for
powers of
Treasury.

8 & 9 Geo. 6.
c. 18.

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

Power to
issue bonds.

(2) Where the Corporation raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

Section 209 (Notice of trusts);

Section 210 (Receipts on behalf of joint holders and infants);

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

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

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

62 & 63 Vict.
c. 9.
7 Edw. 7.
c. 13.

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

54 & 55 Vict.
c. 39.

91.—(1) Notwithstanding anything contained in any other Act or Order all moneys received by the Corporation whether on

Receipts and
expenses.

PART XI
—cont.

capital or revenue account including (but without prejudice to the generality of this provision)—

- (a) all moneys received on account of the revenue of any of the undertakings of the Corporation from which revenue is derived ; and
- (b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or working capital or as a reserve capital renewals repairs depreciation contingency consolidated loans superannuation or other similar fund (including any interest payable to any such fund in pursuance of the section of this Act whereof the marginal note is “ Consolidated loans fund ”);

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

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

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

Accounts of
undertakings.

92.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation from which revenue is derived (each of which is in this section separately referred to as “ the undertaking ”) on the one side all receipts in respect of the undertaking (including the income from any authorised fund provided in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking ;

- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes under any enactment ;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking ;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue ;
- (e) the amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain ;
- (f) any money expended on any of the purposes mentioned in sub-paragraph (i) or sub-paragraph (ii) of paragraph (a) of subsection (1) of the section of this Act of which the marginal note is " Application of revenue of undertakings " ; and
- (g) in the case of the water undertaking the amount applied in making good to the general rate fund any deficiency which may occur in any year after the passing of this Act in the income of the Corporation from that undertaking.

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

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

93.—(1) (a) If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Act of which the marginal note is " Accounts of undertakings " the Corporation (if they think fit) may in respect of that year apply a sum not exceeding the amount of such excess to any of the following purposes :—

- (i) in the reduction of capital moneys borrowed for the purposes of the undertaking ;
- (ii) in the renewal construction extension or improvement of any works and conveniences for the purposes of

PART XI
—cont.

the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys ;

- (iii) in or towards any reserve fund provided in respect of the undertaking pursuant to the section of this Act of which the marginal note is " Reserve funds ".

(b) In and for the purposes of this subsection " the undertaking " means any undertaking of the Corporation from which revenue is derived other than the water undertaking.

(2) If in respect of any year the moneys received by the Corporation on account of the revenue of the water undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with that undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the section of this Act of which the marginal note is " Accounts of undertakings " the Corporation (if they think fit) may in respect of that year apply a sum not exceeding the amount of such excess in or towards the making good to the general rate fund of any deficiency which may occur in any year after the passing of this Act in the income of the Corporation from the water undertaking and so much of the said excess as shall not be applied as aforesaid and as shall not in the opinion of the Corporation be required for carrying on the water undertaking and paying the current expenses connected therewith shall be applied by the Corporation in reduction of the rates and charges for the supply of water by them for domestic purposes.

Reserve funds.

94.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any undertaking of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund so provided amounts to the maximum reserve fund for the time being prescribed by the Corporation.

(2) The reserve fund provided under this section may be applied—

- (a) in making good any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed ; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking ; or

(c) in or towards the payment of the cost of renewing improving or extending any works buildings machinery plant or conveniences forming part of the undertaking or otherwise for the benefit thereof ;

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

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

(4) If and when the Corporation establish a reserve fund under this section in respect of any such undertaking as aforesaid any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking.

95.—(1) Notwithstanding anything contained in any other Consolidated enactment relating to the Corporation on and after the thirty-first day of March one thousand nine hundred and fifty the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

(a) all moneys borrowed by the Corporation by the issue of any authorised securities and all moneys borrowed without security in connection with the exercise of any statutory borrowing power ;

(b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are paid to the capital fund established by the Corporation under the section of this Act of which the marginal note is “Capital fund” or are applied by the Corporation with due authority to another capital purpose ; and

(c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt :

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

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—cont.

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

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation ; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation :

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

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

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

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established ; and
- (b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid to the lending fund at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid shall (subject to any prescribed limit on the amount of the lending fund) be credited to the lending fund.

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

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

(b) Any scheme approved by the Minister under this section may be altered extended amended or annulled by another scheme made and approved in like manner as the original scheme.

96.—(1) The Corporation may (if they think fit) establish a Insurance fund to be called “ the insurance fund ” with a view to providing fund. a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the council (in this section referred to as “ the specified risks ”).

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks ;
or

(b) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sums as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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

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

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—cont.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the specified risks or any of them all moneys for the time being standing to the credit of the insurance fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the insurance fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the specified risks risks of accident to persons employed for or in connection with educational purposes in any voluntary school in the borough.

(8) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of the whole or any part of all or any of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(9) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation.

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—cont.

(10) (a) If and when the Corporation establish a fund under this section any moneys standing to the credit of the fund established under section 64 (Fire insurance fund) of the Bolton Corporation Act 1901 shall be carried to the credit of and form part of the fund established under this section.

1 Edw. 7.
c. cxxxv.

(b) As from the date of the establishment of a fund under this section the said section 64 shall be and is hereby repealed.

97.—(1) The Corporation may 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) any capital moneys not derived from the sale of property and not required by law to be applied to any other purpose;
- (c) 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 or any part of such surplus;
- (d) a sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised; and
- (e) such other sums from the revenue of the general rate fund as the council may by resolution direct not being moneys directed by law to be applied to any other purpose:

Provided that—

- (i) the aggregate amount paid to the capital fund under paragraphs (c) and (e) of this subsection shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of four times the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925; and
- (ii) payments into the capital fund shall cease to be made whenever that fund amounts to the sum of one hundred and fifty thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Corporation may apply the moneys in the capital fund—

- (a) in defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the transport undertaking the water undertaking or the heating undertaking); or

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—cont.

(b) in providing money for repayment of loans (other than loans in respect of any such undertaking) but not in making the annual payment required to be made in respect of such repayment; or

(c) in the purchase or acquisition or taking on lease of any lands or buildings which they are authorised to purchase or acquire or take on lease under section 101 (Further powers for the acquisition of lands) of the Act of 1922 or in the exercise of the powers of the section of this Act of which the marginal note is "Power to develop lands":

Provided that the amount to be expended under this subsection shall not exceed fifteen thousand pounds in any one transaction unless a larger amount shall in any case be allowed by the Minister.

(3) (a) Pending the application of the moneys in 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.

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

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

(5) (a) If and when the Corporation establish a capital fund under this section any moneys standing to the credit of the fund established under section 66 (Power to create accident fund) of the Bolton Corporation Act 1901 shall be carried to and form part of the fund established under this section.

(b) As from the date of the establishment of a capital fund under this section the said section 66 shall be and is hereby repealed.

Renewal and
repairs fund.

98.—(1) The Corporation may (if they think fit) establish a fund to be called "the renewal and repairs fund" for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant

tools machinery appliances horses carts vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and in maintaining and repairing paths and apparatus in public walks and pleasure grounds and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things for the purposes of any undertaking of the Corporation in respect of which they are authorised to provide a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into a fund to be established under this section.

(3) When the renewal and repairs fund shall amount to the sum of fifty thousand pounds or such larger sum as may from time to time be approved by the Minister the Corporation shall cease to make payments into the said fund but if the said fund is at any time reduced below the sum of fifty thousand pounds or such larger sum as aforesaid the Corporation may recommence and continue payments until the said fund be restored to the sum of fifty thousand pounds or such larger sum as aforesaid.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised by this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (3) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

99.—(1) The Corporation may (if they think fit) establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the art gallery and museum or any other building of the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any year the equivalent of one-fifth of the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 or such higher rate as the Minister may from time to time approve:

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—cont.

Provided that when the art fund shall amount to the sum of twenty thousand pounds or such larger sum as may from time to time be approved by the Minister the Corporation shall discontinue such annual payments but if the said fund be at any time reduced below the sum of twenty thousand pounds or such larger sum as aforesaid the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of twenty thousand pounds or such larger sum as aforesaid.

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

(b) Any income arising from the investment of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

(3) Any moneys set aside before the passing of this Act by the Corporation for any of the purposes of this section shall be deemed to have been appropriated under the powers of this section and shall accordingly be carried to and form part of the art fund.

Maintenance
of graves &c.
42 & 43 Vict.
c. 31.

100.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended so as to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument or urn or niche or memorial brass or its equivalent in a cemetery provided or maintained by the Corporation under the Public Health Acts or under any local enactment for the time being in force in the borough or in a burial ground provided or maintained by the Corporation under the Burial Acts 1852 to 1906 or in a crematorium provided or maintained by them under the Cremation Act 1902.

2 Edw. 7.
c. 8.

(2) Any such capital sum shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and a sum equal to the interest thereon shall be applied in maintaining the grave or grave space or monument or urn or niche or memorial brass or its equivalent in such manner as the Corporation think fit.

(3) The amount of such capital sums and the interest thereon shall be shown separately in the accounts of the Corporation relating to the cemetery burial ground or crematorium.

Receipts in
case of
minors.

101. If any money is payable to a holder of any authorised securities being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

(1) The Corporation may at any time by resolution passed at an ordinary or special meeting of the council determine to pay off and redeem the gas annuities and on such resolution being passed the gas annuities shall be redeemable by the Corporation by the method and on the terms set out in the following provisions of this section.

(2) The Corporation shall as soon as may be after passing such resolution publish notice thereof in the London Gazette and once in each of two consecutive weeks in one or more newspapers circulating in the borough and they shall also cause a notice (in this section referred to as "the notice of redemption") to be given to every holder of any gas annuity by sending the same by post in a registered letter to the address of such holder as entered in the register or to his last-known address.

(3) The notice of redemption shall set forth the terms of such resolution and shall state the method and the terms of redemption of the gas annuity to which the notice relates.

(4) On or before a day (in this and the next succeeding section referred to as "the transfer day") to be named in the notice of redemption every holder of any gas annuity or gas annuities shall transmit or deliver to the Corporation or to a nominee of the Corporation to be named in the notice of redemption the annuity certificate or certificates registered in his name and the Corporation shall thereupon transmit or deliver to him an acknowledgment in writing of the receipt of such annuity certificate or certificates and an undertaking to register in his name or in the name of his nominee stock of the amount and in the manner hereinafter in this section mentioned.

(5) The transfer day shall be a date not less than two months from the date of the notice of redemption.

(6) In the event of the loss of any certificate for any gas annuity the production of proof to the reasonable satisfaction of the Corporation of such loss together with an indemnity against any and every claim in respect of such certificate shall be held to be equivalent to the delivery to the Corporation or their nominee of such certificate.

(7) Where in accordance with the provisions of this section a holder of any gas annuity or gas annuities shall have on or before the transfer day transmitted or delivered to the Corporation or to the nominee of the Corporation the annuity certificate or certificates registered in his name or shall have produced proof of the loss of the same as aforesaid the Corporation shall as soon as may be after the transfer day transfer or cause to be transferred to the name of such holder or to the name of any nominee whom he may appoint by writing transmitted or

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—cont.

delivered to the Corporation before the transfer day such an amount of either—

- (a) two and a half per centum Consolidated Stock 1923 (or after); or
- (b) two and a half per centum Treasury Stock 1975 (or after);

of the United Kingdom (as the Corporation in their absolute discretion may by resolution determine) that the gross annual interest thereon will equal the appropriate fraction of the amount of the gas annuity or gas annuities held by him and the Corporation shall also pay to such holder the amount of annuity accrued in respect of the certificate or certificates delivered up to the Corporation less the amount of any accrued interest on the stock transferred.

(8) In the event of the registered holder of any certificate or certificates for any gas annuity or gas annuities failing on or before the transfer day to deliver such certificate or certificates to the Corporation or their nominee or to produce proof of its or their loss as aforesaid the Corporation shall as soon as may be after the transfer day pay into court as if it belonged to a trust of which they were trustees in the name of such holder a sum sufficient to purchase such an amount of either—

- (a) two and a half per centum Consolidated Stock 1923 (or after); or
- (b) two and a half per centum Treasury Stock 1975 (or after);

of the United Kingdom (as the Corporation in their absolute discretion may by resolution determine) that the gross annual interest thereon will equal the appropriate fraction of the amount of the gas annuity or gas annuities held by him according to the closing official selling price of such stock mentioned in the official list of the London Stock Exchange for the day for which that list is issued last preceding the transfer day and the Corporation shall also cause a notice to be sent by post in a registered letter to such holder stating that such sum has been placed to his credit as aforesaid.

(9) The delivery to the Corporation or their nominee of the annuity certificate or certificates or the production of proof of the loss of the same in accordance with the provisions of this section or in the case of any annuity certificate or certificates which have not been delivered or proof of the loss of which has not been produced as aforesaid a certificate given in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act 1925 stating that the sum referred to in the immediately preceding subsection has been paid into court shall be sufficient discharge to the Corporation and thereupon the gas annuity or gas annuities shall whether the annuity certificate or

certificates have or have not been produced and delivered up as aforesaid be deemed to be and shall be redeemed and an entry of the redemption of such gas annuity or gas annuities shall be made in the register of the gas annuities and such gas annuity or gas annuities shall be wholly extinguished and thereupon the liability of the Corporation to pay or provide for the payment of such gas annuity or gas annuities shall cease and determine and the whole lands estates properties and revenues of the Corporation shall be freed and discharged thereof.

(10) Any loan raised by the Corporation for the purpose of providing stock of the United Kingdom to be transferred to the holder of any gas annuity or of providing a sum of money to be paid into court pursuant to this section shall for the purposes of subsection (2) of section 28 (Compensation to local authorities) of the Gas Act 1948 be deemed to have been raised before the vesting date within the meaning of that Act and any arrangements made for the repayment of such loan and the payment of interest thereon shall for the purposes of subsections (2) and (3) of the said section 28 be deemed to have been in force immediately before the said vesting date: 11 & 12 Geo. 6.
c. 67.

Provided that any such arrangements as aforesaid shall be agreed between the Corporation and the gas board or in default of agreement determined by the Minister.

(11) For the purposes of this section the appropriate fraction shall be forty twenty-ninths. Provided that if on the date of the resolution referred to in subsection (1) of this section section 25 of the Finance Act 1941 as amended by section 20 of the Finance (No. 2) Act 1945 has ceased to be in operation or the said section 25 has been further amended so as to alter the effect of the operation thereof the appropriate fraction shall be such fraction as may be agreed between the Corporation and the holder of the gas annuity to be just having regard to such cesser or alteration or in case of dispute as may be so determined by an arbitrator to be agreed upon between the Corporation and such holder or in default of agreement to be appointed at the request in writing of either party after notice to the other of them by the Minister and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such determination. 4 & 5 Geo. 6.
c. 30.
9 & 10 Geo. 6.
c. 13.

103.—(1) Any stock of the United Kingdom issued and any sums of money paid to the holder of any gas annuity in pursuance of the immediately preceding section shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the gas annuity was held immediately before the transfer day and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing Stock of
United
Kingdom to
be held in
same rights.

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—cont.

of or affecting the gas annuity and every such deed will instrument or disposition shall take effect with reference to the whole or a proportionate part (as the case may be) of the said stock of the United Kingdom and such sum of money as aforesaid.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number of gas annuities shall be held to apply to the stock of the United Kingdom or sum of money which under the immediately preceding section is issued or (in the case of any sum of money) paid in substitution for such gas annuities as aforesaid.

(3) Trustees executors and administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the stock of the United Kingdom so issued to them or sum of money so paid to them in pursuance of the immediately preceding section for the gas annuity or gas annuities held by them and may hold dispose of or otherwise deal with such stock of the United Kingdom or sum of money in all respects as they might have held disposed of or otherwise dealt with the gas annuity or gas annuities for which the same are substituted.

As to payments due to deceased employees.

104.—(1) On the death of an employee (which expression in this section includes a former employee or pensioner) of the Corporation to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due from the Corporation on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation or other fund with or without interest if a grant of probate of the will of the employee or letters of administration to his estate are not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in a due course of administration:

Provided that—

(a) the Corporation may (notwithstanding the receipt of a notice under paragraph (b) of this proviso) pay to any person who has paid the funeral expenses of the deceased employee such amount (not exceeding the total amount of such expenses) as the Corporation shall deem it reasonable to allow having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;

9 & 10 Geo. 6.
c. 67.

(b) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) The Corporation before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require either—

- (a) a statutory declaration or (when payment is made to the Crown or to the duchy of Lancaster or to the duchy of Cornwall) a statement by the person or one of the persons to whom the Corporation may pay and propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds; or
- (b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such moneys or that any duties so payable have been paid.

105.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any enactment the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or dependants of the person so detained as aforesaid.

Payment of pensions &c. of persons of unsound mind. 53 & 54 Vict. c. 5.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of his wife or husband or dependants.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the

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—cont.

Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising their powers under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said powers and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the Master in Lunacy:

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said powers in relation to any person the said powers shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said powers.

Payment of
funeral
expenses of
deceased
employees.

106. On the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum is due from the Corporation on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest the Corporation may if they think fit pay out of the above sum the funeral expenses of the deceased employee or so much thereof as they consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946 and the amount of the expenses so paid shall be deemed to have been paid for the personal representative of the person to whom the sum was

due from the Corporation and the Corporation and any officer of the Corporation making such payment shall be discharged from all liability in respect of such payment.

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—cont.

107.—(1) The Corporation may pay—

Subscriptions to local government associations &c. and other expenses.

- (a) reasonable subscriptions (whether annually or otherwise) to the funds of any association formed for the purpose of consultation as to matters affecting the Corporation or of interest to them as a corporation or of discussion of such matters or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any officers or nominees of the Corporation at conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings ;
- (b) reasonable expenses in connection with the provision of public entertainments on the occasion of public ceremony or rejoicing ;
- (c) reasonable expenses in connection with the attendance of members of their fire brigade at meetings and competitions of fire brigades ;
- (d) reasonable expenses in connection with the presentation of the freedom of the borough to persons whom they may resolve to admit as honorary freemen and in connection with the reception and entertainment of distinguished persons residing in or visiting the borough.

(2) Nothing in this section shall authorise the Corporation to pay subscriptions to any such associations as are referred to in section 129 (Subscriptions to local government associations) of the Local Government Act 1948.

11 & 12 Geo. 6.
c. 26.

108.—(1) The Corporation may upon and subject to such terms and conditions (if any) as may be agreed between them and any body rendering public service to the inhabitants of the borough by means of cultural activities carried on either wholly or partly within the borough contribute such sum or sums as they may from time to time determine in the circumstances of the case to be reasonable to the funds or towards the expenses of such body.

Contributions to cultural bodies.

(2) In this section the expression " body " includes an association institution society or similar organisation and a company howsoever constituted.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of any other enactment

PART XI
—cont.

(including an enactment in this Act) enabling the Corporation to provide or contribute towards the provision of music or any entertainment:

Provided that the amount of any sum or sums contributed by the Corporation under this section for the purpose of or in connection with the provision of any entertainment when added to the net amount of any expenditure incurred by the Corporation under section 132 (Provision of entertainments) of the Local Government Act 1948 shall not in any one year exceed the net amount of the expenditure which the Corporation may incur in any year under the said section 132.

PART XII

MISCELLANEOUS

As to
Chadwick
Museum.

109. Paragraph (1) of section 33 (As to museum) of the Bolton Improvement Act 1882 shall be and is hereby repealed.

School
attendance.

110.—(1) Upon the acceptance of any pupil to a course of education at a secondary school which will not terminate until after such pupil has ceased to be of compulsory school age the Corporation may require the parent or guardian of such pupil to enter into an agreement for the retention of such pupil at the appropriate secondary school until a date to be fixed by the agreement and such agreement may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without the consent of the Corporation to attend such school before the date fixed by such agreement and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement.

(2) For the purposes of this section—

the expression “secondary school” includes—

(a) a secondary school as defined by section 114 of the Education Act 1944; and

(b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of the said Act is provided; and

the expressions “pupil” and “compulsory school age” have the same respective meanings as in the said Act of 1944.

7 & 8 Geo. 6.
c. 31.

111.—(1) The Corporation may collect and may carry to or from any public washhouse provided by them clothes and other articles intended to be washed or which have been washed at such washhouse and when exercising the powers of this section shall make charges for the collection and carriage of such clothes and other articles:

PART XII
—cont.Collection
and delivery
of washing.

Provided that the charges to be made under this section shall be such as will produce a revenue sufficient to meet all expenditure incurred by the Corporation under this section.

(2) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

23 & 24 Geo. 5.
c. 53.

112.—(1) In this section unless the subject or context otherwise requires the expression "personal weighing machine" means any weighing machine in the borough which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

As to personal
weighing
machines.

(a) for the use of which a charge is made or is proposed to be made; or

(b) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Corporation may make byelaws—

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

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

(c) for fixing the limits of error to be allowed on verification and inspection of any personal weighing machine;

(d) for fixing the fees to be paid to the Corporation for the examination and marking of personal weighing machines submitted for verification or for the examination thereof if found to be incorrect or defective.

(3) Every personal weighing machine shall be examined by an inspector of weights and measures of the Corporation and if verified by him in accordance with the byelaws made under subsection (2) of this section shall be marked by him with a distinguishing mark.

(4) On and after the expiration of a period of twelve months from the coming into force of any such byelaws as aforesaid the owner or the person in charge of any personal weighing

PART XII
—cont.

machine which is used or exposed for use and which is not marked with a distinguishing mark in accordance with subsection (3) of this section shall be liable to a penalty not exceeding two pounds or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(5) As from the date on which the provisions of this subsection come into operation (not being earlier than six months from the passing of this Act) the owner or the person in charge of any personal weighing machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding two pounds or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(6) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in subsection (3) of this section or has in his charge or under his control any personal weighing machine with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(7) A personal weighing machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to cost and other relevant circumstances to restore the machine to a condition in which it may be lawfully used or exposed for use under this section.

(8) (a) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine which is used or exposed for use and may seize and detain any personal weighing machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for any such purpose enter any premises or place within the borough where there is reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

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

(9) The provisions of subsections (3) (6) (7) and (8) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation shall forthwith after

the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating within the borough. No evidence shall be required in any proceedings that the provisions of this subsection as to publication of notice have been complied with.

PART XII
—cont.

113.—(1) As from the commencement of this section no person shall in any premises or in any part of any premises in the borough carry on the business of a dealer in marine stores or of a broker or dealer in secondhand goods without a licence from the Corporation authorising him so to do. Licensing of
dealers in
marine stores
and second-
hand goods.

(2) (a) Any person requiring a licence or the renewal of a licence under this section shall make application in writing to the Corporation stating his full name nationality and place of abode and the premises or the part of the premises in which it is proposed to carry on the business and the nature of the business proposed to be carried on therein or thereat.

(b) The person making application for a licence or the renewal of a licence under this section shall pay to the Corporation such fee not exceeding twenty shillings as the Corporation may fix and the fees so paid may be retained by the Corporation whether such licence is or is not granted or renewed.

(3) The Corporation may grant or renew or refuse to grant or renew a licence application for the grant or renewal of which is made to them under this section.

(4) There shall be specified in every such licence the name and place of abode of the person licensed and the premises in which such business is authorised to be carried on and the particular rooms or other parts of such premises to be used for the purposes of such business.

(5) Every licence under this section shall be in force for one year only or if the Corporation appoint one day in the year as the general licensing day for the grant of all licences under this section until the next annual general licensing day.

(6) The Corporation shall cause all licences granted under this section to be entered in a register to be provided and kept by the Corporation for that purpose.

(7) Every person licensed under this section to carry on the business of a dealer in marine stores or a broker or dealer in secondhand goods shall cause to be painted in capital letters two inches at least in height and of a proportionate and proper breadth on the outside of the front of the premises in which he is licensed to carry on such business and so as at all times to be plainly visible and legible his name together with the words "Licensed dealer in marine stores" or "Licensed broker" as the case may be and such person shall cause his name and such words to continue to be so painted as aforesaid during all such time as he shall carry on such business in those premises.

PART XII
—cont.

(8) If any person licensed under this section intends to change his place of abode he shall within twenty-four hours of making such change give notice in writing thereof to the Corporation and shall at the same time produce his licence and the Corporation shall cause to be endorsed thereon a memorandum specifying such change.

(9) Before any person licensed under this section changes his place of business or carries on his business in a part of the premises other than that specified in the licence he shall give notice in writing to the Corporation specifying the proposed new place of business or the additional or other part of the premises proposed to be used and the Corporation if they think fit may approve such change and shall thereupon cause to be endorsed on the licence a memorandum specifying the particulars of such change.

(10) Any person offending against any of the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(11) A court before whom any person licensed under this section is convicted of an offence which in the opinion of the court renders it inexpedient that such person should continue to hold such licence may suspend or revoke the licence.

(12) The Corporation may make byelaws for all or any of the following purposes with respect to any person licensed to carry on business under this section:—

- (a) for requiring such person to enter into a book the description and the price of all articles purchased or acquired or sold or disposed of by him whether the same be secondhand goods or articles or marine stores or not and the date and time when and the name and address and occupation of the person from whom the same are purchased or otherwise acquired or to whom the same are sold or otherwise disposed of together with such other particulars as may be prescribed by the byelaws;
- (b) for securing that the Corporation their officers and servants or any person duly authorised by them in that behalf shall at all reasonable times have free access to every such book in order to inspect the same;
- (c) for securing that the Corporation their officers and servants or any person duly authorised by them in that behalf shall at all reasonable times have free access for the purposes specified in the byelaws to all places in which any person shall carry on any such business as aforesaid;

(d) for preventing any person carrying on any such business as aforesaid from purchasing any new or secondhand goods or articles or marine stores from any person apparently under the age of sixteen years.

(13) Nothing in this section shall extend to or affect—

(a) any duly licensed pawnbroker for the purposes of his business as a pawnbroker ;

(b) any person who only occasionally deals in secondhand goods or articles and whose chief or principal occupation or business is not the dealing therein.

114.—(1) The Corporation may make byelaws for all or any of the following purposes with respect to public meetings and gatherings to which this section applies: — Byelaws as to public gatherings and meetings.

(a) for securing the safety of the public ;

(b) for preventing fire and the risk of fire ;

(c) for securing safe and adequate means of ingress to and egress from the ground or place in or on which the public meeting or gathering is held ;

(d) for preserving sanitary conditions and cleanliness ; and

(e) for preserving order and preventing and suppressing nuisances.

(2) The public meetings and gatherings to which this section applies are any circus show fete exhibition stage play variety entertainment concert game sport or other similar meeting or gathering—

(a) to which the public are admitted or which the public attend with or without the payment of a charge for admission ; and

(b) which is held in on or under a tent marquee or other structure or erection of a temporary character.

115. Every person who negligently breaks throws down or otherwise damages or destroys any public lamp or lamp-post or any of the appurtenances to such lamp or lamp-post shall make compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Corporation) be recovered summarily as a civil debt. Compensation for damaging lamps.

116.—(1) The Corporation may with the consent in writing of the owner of any building or wall or any bridge over any street attach thereto such lamps brackets electric lines and attachments (in this section called “ attachments ”) as may be required for the purposes of street lighting. Attachment of lamps &c. to buildings and bridges.

PART XII
—cont.

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

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

- (a) any building or wall forming part of an aerodrome ; or
- (b) any building which is designated in a list compiled or approved by the Minister of Town and Country Planning as being a building of special architectural or historic interest or any building or wall which the owner thereof alleges to be a building or wall of such interest ;
or
- (c) any building or wall or bridge owned by the commission the electricity authority or the electricity board or the gas board or any highway authority or water undertakers ;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or wall or bridge they may appeal in the case of a building being or alleged to be of special architectural or historic interest to the Minister of Town and Country Planning in the case of a building or wall or bridge owned by the commission or any highway authority to the Minister of Transport in the case of a building or wall owned by water undertakers to the Minister and in any other case to the Minister of Fuel and Power and the Minister of Town and Country Planning the Minister of Transport the Minister or the Minister of Fuel and Power as the case may be may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments.

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

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

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

(6) In this section—

the expression “owner”—

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

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

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

and the expression “own” shall be construed accordingly; the expression “aerodrome” means an aerodrome licensed pursuant to an order made under the Air Navigation 10 & 11 Geo. 5, Act 1920 or any Act amending replacing or consolidat- c. 80. ing the same.

117.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate or the water rate or charges charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate or charge included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions in and subject to which rates are recoverable from occupiers of rated hereditaments. Recovery of rates and charges from certain owners.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) This section shall not apply to any hereditament to which subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

(3) For the purposes of this section the expression “owner” in relation to a hereditament has the same meaning as is assigned to that expression by section 68 of the Rating and Valuation Act 1925.

PART XII
—cont.Recovery of
water rents
and charges.

118. Notwithstanding the provisions of any other enactment any water rents rates and charges recoverable by the Corporation in a court of summary jurisdiction may be recovered in the same manner and subject to the same provisions in respect of such recovery as the general rate.

False
statements
to obtain
rebate &c.

119. As from the commencement of this section if any person for the purpose of obtaining for himself or any other person a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any other payment due to the Corporation—

- (a) knowingly makes to the Corporation or any of their employees a false statement or false representation relating to his or that other person's ability to pay the rent or make the payment; or
- (b) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular;

he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

Power to
charge in
respect of
establishment
expenses.

120. Whenever under any public general Act from time to time in force in the borough (other than the Act of 1936) or under any local enactment the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

Service of
demand notes.

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

Several sums in
one summons.

122. Where the payment of more than one sum by any person is due to the Corporation under any enactment for the time being in force in the borough or any area within which the Corporation are for the time being authorised to supply water any summons or warrant issued for the purposes of any such enactment in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

PART XIII

GENERAL

Liability of
directors &c.

123.—(1) Where an offence under the sections and the Part of this Act hereinafter mentioned has been committed by a body corporate every person who at the time of the commission of the

offence was a director general manager secretary or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2) The sections and Part of this Act referred to in this section are the sections of which the marginal notes are respectively—

“Registration of hairdressers and barbers and premises”;
and

“Licensing of dealers in marine stores and secondhand goods”;

and Part IX (Control of boxing and wrestling entertainments).

124.—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be—

Confirming
authority for
byelaws.

(a) in the case of byelaws made under Part II (Transport) of this Act the Minister of Transport;

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

(c) in the case of byelaws made under any of the sections of this Act of which the marginal notes are respectively “Power to make byelaws” “Licensing of dealers in marine stores and secondhand goods” and “Byelaws as to public gatherings and meetings” the Secretary of State; and

(d) in all other cases the Minister.

(2) Notwithstanding the provisions of any Act or Order relating to the procedure for making 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 the transport undertaking and in the application of such last-mentioned provisions the Minister of Transport shall be the confirming authority.

125.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough.

Commence-
ment of certain
provisions
of Act.

(2) Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as

PART XIII
—cont.

the date on which such provisions shall come into operation shall not be less than one month after the date of the first publication of the advertisement:

Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

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

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

“Demolition of buildings”;

“Prevention of smoke”;

“Registration of hairdressers and barbers and premises”;

“Licensing of dealers in marine stores and secondhand goods”;

“False statements to obtain rebate &c.”;

and of Part IX (Control of boxing and wrestling entertainments) of this Act.

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

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

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

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of the section of this Act of which the marginal note is “As to appeals”.

Restriction
on right to
prosecute.

126. Section 298 of the Act of 1936 shall apply to offences created by or under Part IV (Streets and buildings) and Part V (Public health and sanitary matters) of this Act as if they were offences created by or under that Act.

As to appeals.

127.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IV (Streets and buildings) Part V (Public health and sanitary matters) or Part IX (Control of boxing and wrestling entertainments) of this Act or the section of this Act of which

the marginal note is "Licensing of dealers in marine stores and secondhand goods" 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.

(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 the notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

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

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Cor-

PART XIII
—cont.

poration 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.

In executing works for owner Corporation liable for negligence only.

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

Apportionment of expenses in case of joint owners.

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

Breach of conditions of consent.

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

Arbitration.

131. Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such reference.

132. The Minister the Minister of Transport the Minister of Fuel and Power or the Secretary of State may respectively hold such inquiries as such Minister or Secretary may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and subsections (2) to (5) of section 290 of the Act of 1933 shall apply accordingly.

PART XIII
—cont.Inquiries by
Minister.

133. When any compensation costs damages or expenses is or are by this Act or by any local enactment for the time being in force within the borough 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:

Compensation
how to be
determined.

Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

134.—(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:—

Application of
provisions of
Act of 1936.

- Section 271 (Interpretation of "provide");
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 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 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);

PART XIII
—cont.

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

Section 328 (Powers of Act to be cumulative);

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

Provided that the said sections 277 287 289 291 294 295 and 329 shall only apply to the provisions of Part IV (Streets and buildings) and Part V (Public health and sanitary matters) of this Act:

Provided also that the said sections 287 and 288 shall not apply to the provisions of the sections of this Act of which the marginal notes are respectively "Registration of hairdressers and barbers and premises" and "Licensing of dealers in marine stores and secondhand goods":

Provided further that the said section 293 shall not apply to the provisions of Part VIII (Heating undertaking) of this Act or the section of this Act of which the marginal note is "Collection and delivery of washing".

(2) Sections 283 and 285 of the Act of 1936 shall extend and apply in relation to any existing local enactment in force in the borough as if such sections were re-enacted in that local enactment and in terms made applicable thereto.

Repeal.

135. The enactments mentioned in the second column of the table set out in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule:

60 & 61 Vict.
c. cxxxiv.

Provided that the repeal of Part VI of the Bolton Tramways and Improvement Act 1897 shall not relieve the Corporation of or prejudice alter or affect any liability or obligation existing immediately before the date of the passing of this Act to pay a pension to any person who immediately before that date was in receipt of a pension payable out of the permanent fire brigade pension fund and such person shall continue to be entitled to receive such pension as though the said Part VI had not been repealed.

Saving for
town and
country
planning.

136. 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.

Costs of Act.

137. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or the general rate or out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the foregoing Act

FIRST SCHEDULE

CONFIRMATION OF DISCONTINUANCE OF TRAMWAYS AND
ABANDONMENT THEREOF

Tramways Nos. 1 2 2A 2D 3 4 5 5W 6 and 8 authorised by the Bolton and Suburban Tramways Order 1878 (scheduled to and confirmed by the Tramways Orders Confirmation (No. 1) Act 1878).

Tramways Nos. 1 2 3 and 4 authorised by the Bolton Corporation Tramways Act 1891. 54 & 55 Vict. c. xiii.

Tramways Nos. 1 2 3 4 5 6 7 8 9 and 10 authorised by the Bolton Tramways and Improvement Act 1897.

Tramway No. 5 authorised by the South Lancashire Tramways Act 1900. 63 & 64 Vict. c. cxxliii.

Tramways Nos. 4 6 15 16 17 18 19 20 21 22 23 24 25 and 26 authorised by the Bolton Corporation Act 1901.

Tramways Nos. 1 2 4 5 and 5A authorised by the Bolton Corporation Tramways Order 1909 (scheduled to and confirmed by the Tramways Orders Confirmation Act 1909).

Tramways Nos. 1 2 4 5 and 7 authorised by the Act of 1922.

9 Edw. 7.
c. cxliii.

SECOND SCHEDULE

PART I

TOLLS STALLAGES RATES AND CHARGES FOR MARKETS AND
MARKET-PLACES

| | <i>s.</i> | <i>d.</i> |
|---|-----------|-----------|
| Ground space For the occupation and use of any space on the surface of the ground according to the size and dimensions of the same— | | |
| For each superficial square foot of ground space occupied or used for each weekday— | | |
| Covered markets the sum of | 3 | |
| Open markets the sum of | 2 | |
| For every horse mule ass bull ox steer cow heifer or bullock the sum of | 1 | 0 |
| For every pig calf sheep lamb or other animal not hereinbefore specified the sum of | 2 | |
| For every cart or vehicle of not more than two wheels containing fruit vegetables or other commodity the sum of | 5 | 0 |
| For every waggon or vehicle of more than two wheels containing fruit vegetables or other commodity the sum of | 7 | 6 |

PART II

TOLLS AND CHARGES FOR FAIRS

| | | |
|--|---|---|
| For every horse mule ass bull ox steer cow heifer or bullock the sum of | 1 | 0 |
| For every pig calf sheep lamb or other animal not hereinbefore specified the sum of | 2 | |
| For every waggon or other vehicle (except those owned or used by travelling showmen) for each weekday the sum of | 5 | 0 |

2ND SCH
—cont.

| | s. | d. |
|---|----|----|
| For every waggon or other vehicle owned or used by travelling showmen the sum of | 5 | 0 |
| For the occupation and use of any space on the surface of the ground according to the size and dimensions of the same— | | |
| For each superficial square foot of ground space occupied or used (except by travelling showmen) for each weekday the sum of | | 3 |
| For each superficial square foot of ground space occupied or used by travelling showmen for each weekday the sum of | | 2 |

PART III

CHARGES FOR WEIGHING OR MEASURING ARTICLES

| | | |
|---|--|---|
| For every article or thing in weight not exceeding 112 lbs. the sum of | | 2 |
| Above 112 lbs. for every additional 112 lbs. or fractional part of 112 lbs. the sum of | | 1 |
| For every bull ox cow or other like cattle the sum of ... | | 6 |
| For each five head or part of five head of sheep or pigs or other like animals the sum of | | 3 |
| For every quantity of goods and things sold by measure not more than one bushel the sum of | | 1 |
| For every bushel or fractional part of a bushel beyond the one bushel the sum of | | 1 |

PART IV

CHARGES FOR USE OF WEIGHING MACHINES

| | | |
|--|----|---|
| For weighing any vehicle laden or unladen not exceeding 5 tons the sum of | | 9 |
| Above 5 tons and under 10 tons the sum of | 1 | 0 |
| Above 10 tons and under 15 tons the sum of | 1 | 6 |
| Above 15 tons and under 20 tons the sum of | 3 | 0 |
| Above 20 tons and under 25 tons the sum of | 6 | 0 |
| Above 25 tons and under 30 tons the sum of | 7 | 6 |
| 30 tons and upwards the sum of | 15 | 0 |

PART V

TOLLS FOR THE USE OF SLAUGHTER-HOUSES

| | | |
|--|---|---|
| For every bull ox cow or bullock the sum of | 3 | 0 |
| For every calf the sum of | | 9 |
| For every sheep or lamb the sum of | | 6 |
| For every hog or pig the sum of | 1 | 0 |
| For every other beast the sum of | 2 | 0 |

THIRD SCHEDULE

RATING FOR LICENCES FOR SALE OUT OF MARKET

Where the person shall use only baskets carried by hand—
Four shillings and sixpence for every three months.

Where the person shall use a barrow or a hand-cart only—

Seven shillings and sixpence for every three months.

3RD SCH.
—cont.

Where the person shall use a barrow or cart drawn by a horse mule donkey or such like animal or a mechanically propelled vehicle—

Fifteen shillings for every three months.

Where the person shall occupy or use any stall shed stand or place on any premises or any vacant or unoccupied land adjacent to any highway—

Thirty shillings for every three months.

FOURTH SCHEDULE

PROVISIONS AS TO BONDS

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

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

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

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

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

4TH SCH. —cont.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

County borough of Bolton
 Bolton Corporation bonds
per centum.....Bolton Corporation bonds.
 Repayable at par on the.....19.....at.....

This is to certify that
 of
 is the registered holder of a bond for pounds
 (£) issued by the Corporation of Bolton under the
 Bolton Corporation Act 1949 at
Treasurer.

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

BOLTON CORPORATION BOND(S)

I.....in consideration of the sum of paid by (hereinafter called "the transferee") do hereby assign and transfer to the transferee.....to hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid.

As witness our hands and seals this day of one thousand nine hundred and

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "register of transfers of Bolton Corporation bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The Corporation may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

11. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

FIFTH SCHEDULE
ENACTMENTS REPEALED

| Local Act or Order. | Section and marginal note. | Extent of repeal. |
|------------------------------|--|---|
| Bolton Improvement Act 1854. | Section CXLI (Highway rates). | The whole section. |
| | Section CXLIX (Private improvement rates). | The whole section. |
| | Section CL (Amount of rate may include expenses of making and recovering same and as regards improvement rate interest on outlay). | The whole section. |
| | Section CLI (Rates for more or less than a year). | The whole section. |
| | Section CLII (Rates prospective and retrospective). | The whole section. |
| | Section CLIII (Special remedies for recovery of improvement rates). | The whole section. |
| | Section CLIV (Remedies for recovery of rates &c. cumulative). | The whole section. |
| | Section CLXXVII (Expenditure for specified purposes to be borne by borough fund). | The whole section. |
| 24 & 25 Vict. c. clxxiii. | Bolton Improvement Act 1861. | Section XXII (Auditors). The whole section. |
| 27 & 28 Vict. c. cci. | Bolton Improvement Act 1864. | Section 85 (Consolidation of accounts). The whole section. |
| | Section 86 (General district rate may be made for the purposes of consolidated account). | The whole section. |
| | Section 92 (Differential rates in favour of Great Bolton as compensation for amalgamation of accounts funds &c.). | The whole section. |
| | Section 93 (Auditors). | The whole section. |

| Local Act or Order. | Section and marginal note. | Extent of repeal. | |
|----------------------------------|--|--|-----------------------------|
| The Bolton Corporation Act 1872. | Section 92 (Compensation to firemen). | The whole section. | |
| | Section 115 (Management and application of estates of Great and Little Bolton trustees). | The whole section. | |
| | Section 116 (Assessment of houses finished after rate). | The whole section. | |
| | Section 124 (Charge of borrowed money on borough fund &c.). | The whole section. | |
| | Section 130 (Charge of Croal Water and market expenses on borough fund). | The whole section. | |
| The Bolton Improvement Act 1877. | Section 98 (Annual return to Local Government Board with respect to sinking fund). | The whole section. | 40 & 41 Vict. c. clxxxviii. |
| | Section 100 (Corporation may borrow under former Acts on specific securities). | The whole section. | |
| | Section 104 (Provisions as to coupons for interest on mortgages). | The whole section. | |
| | Section 105 (Funds out of which expenses of former Acts and of this Act are to be paid). | The words "Sanitary expenses and expenses incurred for and in relation to the manufacture and supply of gas in and for each district out of the district fund and rate of each district respectively". | |
| | Section 109 (Separate accounts in relation to gas). | The whole section. | |
| | Section 110 (Separate accounts for waterworks and markets &c.). | The whole section. | |
| | Section 111 (Owner may be rated instead of occupier in certain cases). | The whole section. | |

| 5TH SCH. —cont. | Local Act or Order. | Section and marginal note. | Extent of repeal. |
|-----------------------------|--|--|--|
| 45 & 46 Vict. c. ccxiv. | The Bolton Improve- ment Act 1877. —cont. | Section 114 (Borough rate may be levied with district rates). | The whole section. |
| | | Section 117 (As to audit of accounts). | The whole section. |
| | | Section 118 (Accounts may be made up to 30th of June). | The whole section. |
| | The Bolton Improve- ment Act 1882. | Section 65 (No building allowed until street formed &c.). | The whole section. |
| | | Section 84 (Certain provisions of Act of 1877 extended to moneys). | So much of the section as applies sections 98 and 104 of the Bolton Improvement Act 1877. |
| | | Section 92 (Power to create gas reserve fund). | The whole section. |
| | | Section 93 (Power to create water reserve fund). | The whole section. |
| | | Part XI (Corporation stock). | The whole Part. |
| | | The Third Schedule. | The whole schedule. |
| | | The Fifth Schedule. | The whole schedule. |
| | | Article II. | Paragraphs (7) and (8). |
| 51 & 52 Vict. c. cxxxii. | The Bolton Order 1888 scheduled to and confirmed by the Local Govern- ment Board's Pro- visional Orders Confirmation (No. 11) Act 1888. | Article 10 (Audit of accounts). | So much of the article as relates to the Corporation. |
| 51 & 52 Vict. c. xcvi. | The Bolton and Sub- urban Tramways Order 1888 sche- duled to and con- firmed by the Tram- ways Orders Con- firmation (No. 2) Act 1888. | | |
| 54 & 55 Vict. c. xiii. | The Bolton Corpora- tion Tramways Act 1891. | Section 17 (Certain provisions of Bolton Improvement Act 1882 extended to this Act). | The whole section. |
| | | Section 23 (Annual return to Local Government Board with respect to sinking funds &c.). | The whole section. |
| | | Section 25 (Composition for stamp duty). | The whole section. |
| 56 & 57 Vict. c. iv. | The Bolton Corpora- tion Tramways Act 1893. | Section 17 (Certain provisions of Act of 1882 extended to this Act). | The whole section. |
| | | Section 22 (Annual return to Local Government Board with respect to sinking funds &c.). | The whole section. |

| Local Act or Order. | Section and marginal note. | Extent of repeal. | |
|--|---|---|--|
| <p>The Bolton Order scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1893.</p> <p>The Bolton Order (No. 2) 1894 scheduled to and confirmed by the Provisional Orders Confirmation (No. 15) Act 1894.</p> <p>The Bolton Tramways and Improvement Act 1897.</p> | <p>Article X.</p> <p>Article XIV.</p> <p>Article XI.</p> <p>Part V (Thrift fund).</p> <p>Part VI (Fire brigade pension fund).</p> <p>Section 66 (Certain provisions of Act of 1882 extended to this Act).</p> <p>Section 70 (Annual return to Local Government Board with respect to sinking funds).</p> <p>Section 73 (Corporation may lend fund for one loan to repay any other loan).</p> <p>Section 74 (Power to issue stock at lower rate of dividend).</p> <p>Section 75 (Expenses of executing Act).</p> <p>Section 76 (Extending the limit of the rate for public libraries).</p> <p>Section 77 (As to collection of local rates).</p> <p>Section 55 (As to Astley Bridge cemetery tramways and sewage works &c.).</p> <p>Section 56 (Recreation ground and improvements in Astley Bridge and other districts).</p> <p>Section 76 (Separate rating districts).</p> <p>Section 91 (Annual return with respect to sinking funds).</p> | <p>The whole article.</p> <p>The whole article.</p> <p>The whole article.</p> <p>The whole Part.</p> <p>The whole Part.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>The whole section.</p> <p>Subsections (1) and (2).</p> <p>Subsections (3) (4) and (5).</p> <p>The words "All cost incurred by the Corporation in providing making and maintenance of the same road shall be chargeable as an expenditure for their works of sewage disposal" in subsection (3).</p> <p>Subsection (7).</p> <p>The whole section.</p> | <p>56 & 57 Vict. c. clxxxix.</p> <p>57 & 58 Vict. c. cxciii.</p> <p>60 & 61 Vict. c. cxxxiv.</p> <p>61 & 62 Vict. c. ccxlii.</p> |

5TH SCH.
—cont.

| | Local Act or Order. | Section and marginal note. | Extent of repeal. |
|-------------------------|--|---|--|
| 62 & 63 Vict. c. cx. | The Bolton Order 1899 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1899. | Article X (Return as to provision for repayment of debt under Order and previous Orders). | The whole Article. |
| 1 Edw. 7. c. cxxxv. | The Bolton Corporation Act 1901. | Section 62 (As to expenses). Section 67 (Interest on insurance funds when full &c.). Section 69 (Certain provisions of Act of 1882 extended to this Act). | The whole section. The whole section. |
| | | Section 73 (Power to use loan fund instead of exercising borrowing powers). Section 74 (Incorporating certain sections of the Act of 1898). | The whole section. The whole section. |
| | | Section 75 (Rates on small tenements). Section 76 (Extending the limit of the rate for technical instruction). | The whole section. The whole section. |
| 4 Edw. 7. c. clix. | The Bolton Order 1904 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1904. | Article III (Period for and mode of repayment of moneys borrowed under Article II). | So much of paragraph (2) as applies section 70 of the Bolton Tramways and Improvement Act 1897. |
| 5 Edw. 7. c. cciv. | The Bolton Corporation Act 1905. | Section 92 (Application of water revenue). Section 93 (Incorporating certain sections of the Acts of 1888 and 1901). | The whole section. So much of the section as applies section 91 of the Bolton Turton and Westhoughton Extension Act 1898 and section 69 of the Bolton Corporation Act 1901. |
| | | Section 94 (Application of moneys authorised to be raised under Technical Instruction Acts). Section 95 (As to education expenses). | The whole section. |
| | | Section 105 (Audit of accounts). | The whole section. |

5TH SCH.
—cont.

| | Local Act or Order. | Section and marginal note. | Extent of repeal. |
|----------------------------|----------------------------------|--|--|
| 16 & 17 Geo. 5. c. lxxvii. | The Bolton Corporation Act 1926. | <p>Section 25 (Accounts of tramway undertaking).</p> <p>Section 37 (Application of certain financial provisions of Act of 1922).</p> <p>Section 39 (Return to Minister of Health with respect to repayment of debt).</p> | <p>The whole section.</p> <p>So much of the section as applies section 69 of the Bolton Corporation Act 1901 and section 193 of the Act of 1922.</p> <p>The whole section.</p> |

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of Acts of Parliament

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(73867)