



## CHAPTER xii.

An Act to empower the mayor aldermen and burgesses of the borough of Warrington to construct works for the conveyance of coal to their electricity generating station and to appropriate and use portions of Bank Park for the extension of their town hall and municipal offices to make further provision with regard to the water undertaking of the Corporation and the health local government and improvement of the borough and for other purposes. [15th June 1945.]

**W**HEREAS the borough of Warrington (in this Act called "the borough") is under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas in pursuance of the Warrington Electricity Act and Orders 1898 to 1931 the Corporation are the owners of an electricity undertaking by means of which they supply electricity within the borough and within certain areas in the neighbourhood thereof:

And whereas in connection with their electricity undertaking the Corporation are the owners of a generating station known as the Howley generating station which is a selected station within the meaning of the Electricity (Supply) Act 16 & 17 Geo. 5. 1926 and is at the present time in process of being enlarged c. 51. at an approximate cost of one million eight hundred thousand pounds:

And whereas it is expedient to empower the Corporation to construct the works which are referred to in this Act for the purpose of conveying coal from the railway of the London Midland and Scottish Railway Company to the said Howley generating station:

And whereas the town hall and offices of the Corporation immediately adjoin an extensive park belonging to the Corporation and known as Bank Park and it has become necessary to renew extend and enlarge the said town hall and offices of the Corporation so as to enable the Corporation to carry out their duties efficiently:

And whereas it is expedient for the purposes aforesaid to empower the Corporation to appropriate and use portions of the said Bank Park for the renewal extension and enlargement of the said town hall and municipal offices:

18 & 19 Vict.  
c. xciii.

And whereas by virtue of the Warrington Waterworks Act 1855 and divers other enactments the Corporation are the owners of a water undertaking by means of which they supply water to the inhabitants of the borough and of several adjoining townships and places:

41 & 42 Vict.  
c. ccix.  
53 & 54 Vict.  
c. ccxxxvi.

And whereas by the joint effect of section 21 of the Warrington Waterworks Act 1878 and section 48 of the Warrington Extension and Water Act 1890 the Corporation are empowered throughout the whole or any parts or part of their limits of supply from time to time to lay down and maintain a system of main distributing and service pipes with all necessary machinery and apparatus for the supply of water for trade and manufacturing purposes such system being separate and distinct from the system of main distributing and service pipes used for the supply of water for domestic purposes and the Corporation have for many years carried into effect the powers so conferred upon them:

And whereas it is expedient to make further provision with regard to the water undertaking of the Corporation and the supply of water by them:

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

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

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

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The purchase of lands and easements ...	£	10,000
The construction of the works authorised by this Act ... ..		140,000



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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed: 23 & 24  
Geo. 5. c. 51.

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

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

## PART I.

### PRELIMINARY.

1.—(1) This Act may be cited as the Warrington Corporation Act 1945. Short and  
collective  
titles.

(2) The Warrington Electricity Act and Orders 1898 to 1931 the Warrington Corporation Act 1937 and this Act may be cited together as the Warrington Electricity Acts and Orders 1898 to 1945.

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

Division of Act  
into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Water supply.

Part V.—Streets buildings and sewers.

Part VI.—Infectious disease and sanitary.

Part VII.—Financial provisions.

Part VIII.—Miscellaneous provisions.

3.—(1) The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the

Incorporation  
of Acts.

PART I.  
—cont.

provisions of this Act) are hereby incorporated with this Act (namely):—

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

8 & 9 Vict.  
c. 18.

(i) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

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

8 & 9 Vict.  
c. 20.

(b) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions “the railway” shall mean the works authorised by this Act.

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

Interpretation.

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

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

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

“The borough” means the county borough of Warrington;

“The council” means the council of the borough;

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

“The general rate fund” means the general rate fund of the borough;

9 & 10 Geo. 5.  
c. 57.

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

41 & 42 Vict.  
c. 76.

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



PART I.

—cont.

2 & 3 Geo. 6.  
c. 62.

“ War period ” means the period for which the  
Emergency Powers (Defence) Act 1939 is in force;

“ The water limits ” means the limits for the time being  
of the Corporation for the supply of water;

“ The signed plan ” means the plan which has been  
signed in triplicate by Charles Williams the chair-  
man of the committee of the House of Commons to  
which the Bill for this Act was referred one copy of  
which plan has been deposited in the Parliament  
Office of the House of Lords one in the Committee  
and Private Bill Office of the House of Commons  
and one with the town clerk at his office;

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

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

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

“ The Minister ” means the Minister of Health;

“ The Act of 1899 ” “ the Act of 1911 ” “ the Act of  
1929 ” “ the Act of 1937 ” and “ the Act of 1938 ”  
mean respectively the Warrington Corporation Act  
1899 the Warrington Corporation Act 1911 the  
Warrington Corporation Water Act 1929 the  
Warrington Corporation Act 1937 and the Warring-  
ton Corporation Water Act 1938.

62 &amp; 63 Vict.

c. ccxxv.

1 &amp; 2 Geo. 5.

c. x.

19 &amp; 20 Geo. 5.

c. lxxix.

1 Edw. 8 &amp;

1 Geo. 6. c. lix.

1 &amp; 2 Geo. 6.

c. xcvi.

## PART II.

## LANDS.

5. Subject to the provisions of this Act the Corporation may  
enter upon take appropriate and use all or any of the lands  
delineated on the deposited plans and described in the  
deposited book of reference which they may require for the  
purposes of this Act. Power to  
take lands.

6. The powers of the Corporation for the compulsory  
purchase of lands for the purposes of this Act shall cease after  
the expiration of three years from the first day of October  
nineteen hundred and forty-five or two years after the termina-  
tion of the war period whichever is the later. Period for  
compulsory  
purchase  
of lands.

7. At any time after notice to treat has been served for  
any land which the Corporation are by this Act authorised  
to purchase compulsorily the Corporation may after giving  
to the owner and occupier of the land not less than ninety  
Further powers of  
entry.

PART II.  
—cont.

days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Power to use parts of Bank Park for other purposes.

8. Notwithstanding anything contained in any deed or other instrument to the contrary the Corporation may appropriate and use for the extension of the town hall and other offices of the Corporation or for the provision of new municipal offices the portions of Bank Park which are numbered 46 and 47 on the deposited plans:

Provided that the total quantity of Bank Park which may be so appropriated and used by the Corporation shall not exceed four acres:

Provided also that before any part of Bank Park is so appropriated by the Corporation they shall appropriate for the purposes of a park open space or recreation ground other lands not less in extent than the part or parts of Bank Park to be so appropriated as aforesaid belonging to them and situate in the borough.

Power to reinstate owners of property.

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

Compensation may be in land &c.

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

Entry on lands for purpose of survey &c.

11.—(I) Whenever it becomes necessary for the Corporation or any of their officers servants contractors or workmen to enter examine or lay open any lands (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the owner or occupier of such lands refuses to permit the same to be entered upon examined



or laid open for the purposes aforesaid or any of them the Corporation may after written notice to such owner or occupier apply to a court of summary jurisdiction for an order authorising the Corporation to enter examine and lay open the said lands for the purposes aforesaid or any of them.

PART II.  
—cont.

(2) If sufficient cause is shown for the application the court may make an order accordingly and on such order being made the Corporation or any of their officers servants contractors or workmen may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing. Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The Corporation shall at their own expense make good and restore to its former condition any lands laid open by them or their officers servants contractors or workmen and shall make good to the reasonable satisfaction of the owner or occupier of the lands entered all damages or loss sustained by him in consequence of such entry examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall in default of agreement be assessed by a court of summary jurisdiction and the amount so assessed shall be recoverable in such court.

(4) The Corporation shall not exercise the powers of this section in respect of any lands belonging to any statutory undertakers and used for the purpose of their undertaking except with the consent of the statutory undertakers which consent shall not be unreasonably withheld.

(5) In and for the purposes of this section "statutory undertakers" means any persons authorised by any public general or local Act to construct work or carry on any railway canal gas electricity or water undertaking.

### PART III.

#### WORKS.

12. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels Power to construct works.

PART III.  
—cont.

shown on the deposited sections the works (for and in connection with the transport of coal by means of coal conveyors) which are hereinafter described or referred to with all necessary and proper foundations embankments arches girders piers supports anchorages piles platforms jetties landing stages wharves sluices rails plates sleepers sidings stations depots engines weighing machines sheds offices approaches abutments culverts drains buildings lifts stairs apparatus machinery appliances conveniences and works connected therewith.

The works hereinbefore in this section referred to will be situate in the borough and are:—

Work No. 1 A tipper and hopper for the unloading of coal from wagons to be situate in enclosures numbered 276 and 289 on the 1/2500 Ordnance map of Lancashire (edition of 1928) sheet No. CXVI.1;

Work No. 2 A subway commencing at Work No. 1 and terminating on or near to the south bank of the river Mersey;

Work No. 3 A bridge over the river Mersey commencing at the termination of Work No. 2 and terminating on or near to the north bank of that river;

Work No. 4 An overhead gantry commencing at the termination of Work No. 3 and terminating in Howley Yard;

Work No. 5 An overhead gantry commencing at the termination of Work No. 4 and terminating at the Howley generating station of the Corporation.

Subsidiary and  
additional  
works.

13. The Corporation may for the purpose of making and maintaining the works by this Act authorised and within the limits of deviation shown on the deposited plans dig pile and make proper foundations in the river Mersey and on the banks thereof and cut level embank and secure the banks of the river and cut remove scour take and carry away all rock beds of gravel and sand and other impediments and execute all other works necessary or convenient for making or maintaining and repairing the said works. In the exercise of the powers of this section the Corporation shall do as little damage as may be and make compensation to all persons whose property or works is or are damaged by reason of the exercise of such powers:

Provided that in the execution and maintenance of the said works the Corporation shall take all reasonable precautions and provide all works and conveniences proper and reasonably sufficient for keeping the flow of water in the river and the navigation thereof free from obstruction:



Provided also that all materials excavated or dredged under the powers of this Act if deposited below high-water mark and within the limits of the jurisdiction of the commissioners for the conservancy of the river Mersey or seaward thereof shall only be deposited in such positions and under such restrictions and regulations as may be fixed by those commissioners and that no materials shall be deposited below high-water mark within the limits of the port of Manchester except in such manner as shall be approved in writing by the Manchester Ship Canal Company.

PART III.  
—cont.

14. In the construction of any of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Power to deviate.

Provided that—

- (a) no part of Work No. 2 shall be raised above the surface of the ground where such work is to be constructed under the London Midland and Scottish Railway or under any public highway other than the passage or way referred to in the section of this Act of which the marginal note is "Power to stop up parts of towing-path and passage";
- (b) no deviation downwards of the underside of the span of Work No. 3 shall be made without the consent in writing of the Manchester Ship Canal Company.

15.—(1) If the works authorised by this Act and shown on the deposited plans and sections are not completed by the thirty-first day of October nineteen hundred and fifty or five years after the termination of the war period (whichever is the later) then as from that date but subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Period for completion of works and enlargement of works.

(2) Provided that the Corporation may subject to the provisions of this Act extend enlarge alter reconstruct renew or remove any of their works and plant in connection with the works authorised by this Act as and when occasion may require.

16. The Corporation may stop up any parts of—

- (a) so much of the towing-path on the northerly side of the river Mersey; and

Power to stop up parts of towing-path and passage.

PART III.  
—cont.

(b) so much of the passage or way situate between the rear of the premises known as 73 to 87 (odd numbers inclusive) Knutsford Road and the southerly bank of the river Mersey;

as are situate within the limits of deviation shown on the deposited plans and respectively marked "To be stopped up" on those plans and thereupon all rights of way over such parts shall be extinguished:

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

Works to form  
part of  
electricity  
undertaking.

17. The works authorised by this part of this Act shall form part of the electricity undertaking of the Corporation.

For the  
protection of  
Manchester  
Ship Canal  
Company.

18. The following provisions for the protection of the Manchester Ship Canal Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect with reference to the exercise by the Corporation of the powers of this Part of this Act (that is to say):—

(1) At any time after the Corporation shall under the provisions of this Act have stopped up any part of so much of the towing-path on the northerly side of the river Mersey as is referred to in the section of this Act of which the marginal note is "Power to stop up parts of towing-path and passage" the company may by notice in writing require the Corporation to construct the following works for the purpose of hauling past any portion of the towing path so stopped up any barge or other vessel which has been towed as far as such portion of the towing path by animal or mechanical means moving along the towing-path (namely):—

(a) A winch to be situate on the northerly bank of the river Mersey at a point to the west of Work No. 3 authorised by this Act such point to be agreed between the Corporation and the company or failing agreement to be determined by arbitration as hereinafter provided;

(b) A winch to be situate on the northerly bank of the said river at a point to the east of the said Work No. 3 such point to be similarly agreed or determined by arbitration;



(c) A roadway providing reasonably convenient means of passage past any stopped up portion of the said towing-path for any such animal or mechanical means of haulage:

- (2) If the company give to the Corporation the notice which is referred to in subsection (1) of this section the Corporation shall if not already done forthwith construct the said winches and roadway to the reasonable approval of the company and shall thereafter maintain the same to the like approval and the Corporation shall also from time to time as may be required operate the said winches without any unnecessary delay and free of charge whenever such operation is required for the purpose of hauling vessels past any portion of the towing-path so stopped up as aforesaid:
- (3) If any difference or question shall arise between the Corporation and the company under this section such difference shall be referred to and determined by a single arbitrator to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

19. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Minister of War Transport in writing under the hand of a secretary or some person authorised by the said Minister.

Works below high-water mark to be subject to approval of Ministry of War Transport.

Any alteration or extension of any such authorised works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Minister of War Transport may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

20. If a work constructed by the Corporation on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Minister of War Transport may abate and remove the work or any part of it and restore

Abatement of work abandoned or decayed.

PART III.  
—cont.

the site thereof to its former condition at the expense of the Corporation and the amount of such expense if incurred by the said Minister shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Survey of  
works by  
Minister of  
War  
Transport.

21. If at any time the Minister of War Transport deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount of such expenses if incurred by the said Minister shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Lights on  
works during  
construction.

22. The Corporation shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister of War Transport may from time to time require or approve. If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent  
lights on  
works.

23. The Corporation shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

For protection  
of London  
Midland and  
Scottish  
Railway  
Company.

24. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Corporation and the company apply and have effect with reference to the exercise by the Corporation of the powers of this Act:—

- (1) The Corporation shall not purchase or acquire any lands or property of the company but the Corporation may purchase and take and the company shall



sell and grant accordingly such easements or rights of using so much of the land or property of the company as may be reasonably necessary for the construction and maintenance of Works Nos. 1 and 2 by this Act authorised:

- (2) In constructing so much of Works Nos. 1 and 2 as will be on or under the railway or property of the company (in this section hereinafter referred to as "the said works") and also (except in cases of emergency) in effecting the maintenance repairs and renewals of the said works the same shall be done under the superintendence if given and to the reasonable satisfaction of the principal engineer of the company (in this section referred to as "the principal engineer") and at least twenty-one days before commencing any of the said works the Corporation shall deliver to the principal engineer plans sections and specifications of the works proposed to be executed and if the principal engineer does not prior to the expiration of twenty-one days from the delivery to him of such plans sections and specifications signify his disapproval thereof he shall be deemed to have approved the same but if prior to the expiration of such twenty-one days he shall signify his disapproval of such plans sections and specifications there shall be deemed to be a difference which difference shall be settled by arbitration:
- (3) Before the Corporation commence the construction of the said works any works which may in the opinion of the principal engineer be reasonably necessary to ensure the safety of the railway and works of the company from injury arising from such construction may and shall be carried out by the company and any expenses reasonably incurred in connection therewith (including compensation payable to any workmen or the legal representatives or dependents of workmen who may be injured or killed whilst employed by the company exclusively in and about such works) shall be repaid by the Corporation to the company:
- (4) The said works when commenced shall be completed with all reasonable dispatch and in accordance with plans sections and specifications approved as aforesaid or settled by arbitration:
- (5) The said works shall be constructed and executed and subsequently maintained so as not to cause any avoidable injury to the railway or works of the

PART III.  
—cont.

company or any interference with the passage or conduct of traffic over such railway and if any such injury or interference shall be caused contrary to this enactment or by the failure of any of the said works the Corporation shall make reasonable compensation to the company in respect thereof:

- (6) The Corporation shall at their own cost and free of all expense to the company execute all such works and do all such things as may be necessary to repair or remove any such injury or interference as aforesaid or the company may at their option (after giving reasonable notice in writing to the Corporation in that behalf before the Corporation commence the same) execute all such works or do all such things as may be necessary to repair such injury or remove such interference and for any such purpose may if necessary enter upon the works and property of the Corporation doing no unnecessary damage and the Corporation shall on demand repay to the company all the reasonable costs and expenses incurred by them in connection therewith:
- (7) If the company give to the Corporation notice that they themselves desire to construct the said works the company may themselves execute the said works under the superintendence and to the reasonable satisfaction of the Corporation and may recover the reasonable costs incurred by them in so doing from the Corporation:
- (8) The Corporation shall bear and on demand pay to the company any expenses reasonably incurred by them in the employment of such inspectors signalmen or watchmen (if any) as may be reasonably necessary for inspecting the said works and for watching the railway and works of the company and the conduct of the traffic thereon with reference to and during the execution of the said works:
- (9) The Corporation shall afford reasonable facilities to the principal engineer and to any person authorised by him for access to the said works during construction and thereafter for the purpose of inspecting the said works and the state of maintenance thereof:
- (10) The Corporation shall indemnify the company from and against all claims for damages or compensation in respect of any damage injury or loss which may have been suffered by the employees of the company or by any passengers owners of merchandise traders or owners of property adjoining the said works



or any other persons or person by reason of the existence construction or failure of the said works or of any such operations as aforesaid except so far as any such damage injury or loss shall have been occasioned by or through the acts or defaults of the company or those for whom they are responsible:

PART III.  
—cont.

- (11) If the company shall at any time after the construction of the said works desire to alter or extend their railway or any of the works or conveniences connected therewith under powers existing at the date of this Act the Corporation shall give to the company every reasonable facility for the execution of such alteration or extension and any additional expense to which the company may be put owing to the existence of the said works in carrying out any such alteration or extension shall be repaid to them by the Corporation:
- (12) If any difference shall arise between the Corporation and the company under this section such difference shall be referred to and determined by an engineer to be appointed as arbitrator on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

#### PART IV.

##### WATER SUPPLY.

25. Section 29 (Further powers in relation to water mains) of the Act of 1929 shall be read and have effect as if the words "section 119 of the Public Health Act 1936" were inserted therein instead of the words "section 54 of the Public Health Act 1875."

Amendment of section 29 of Act of 1929. 38 & 39 Vict. c. 55.

26. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Amendment of section 35 of Waterworks Clauses Act 1847. 10 & 11 Vict. c. 17.

27. For the purposes of the water undertaking of the Corporation "a supply of water for domestic purposes" means a sufficient supply for drinking washing cooking and sanitary purposes but not for any bath having a capacity (measured to the centre line of the overflow pipe or in such other manner

As to supply of water for domestic purposes.

PART IV.  
—cont.

as the Minister may by regulations prescribe) in excess of fifty gallons and includes—

- (a) a supply for the purposes of a profession carried on in any premises the greater part whereof is used as a house; and
- (b) where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used a supply for watering a garden for horses kept for private use and for washing vehicles so kept:

Provided that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises.

Supplies to swimming baths bathing pools &c.

28. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath bathing pool fountain or fish or ornamental pond the Corporation may require that all water required for such swimming bath bathing pool fountain or fish or ornamental pond shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Power to make agreed charges for domestic supply.

29.—(1) The Corporation in lieu of charging a water rate may agree with any person requiring a supply of water for domestic purposes to furnish the supply whether by meter or otherwise on such terms and conditions as may be agreed.

(2) Charges payable under this section (including charges for any meter supplied by the Corporation) shall be recoverable in the manner in which water rates are recoverable.

Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes.

30.—(1) Where water which the Corporation supply for domestic purposes and in respect of which they charge a water rate—

- (a) is used for watering a garden; or
- (b) is used for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept;

the Corporation may if a hosepipe or other similar apparatus is used charge in respect of that use of the water—

- (i) where the water is used for watering a garden an additional sum calculated according to the following scale:—

where the area of the garden does not exceed twenty perches a charge not exceeding fifteen shillings;

where the area of the garden exceeds twenty perches but does not exceed one rood a charge not exceeding twenty-five shillings;



where the area of the garden exceeds one rood but does not exceed two roods a charge not exceeding forty shillings;

where the area of the garden exceeds two roods but does not exceed three roods a charge not exceeding fifty shillings;

where the area of the garden exceeds three roods a charge not exceeding sixty shillings;

- (ii) where the water is used for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept an additional annual sum of not exceeding twenty-five shillings and (where more vehicles than one are kept) an additional annual sum of not exceeding ten shillings for each such vehicle beyond the first.

(2) Where in either of such cases the water used is drawn from a tap outside a house but no hosepipe or similar apparatus is used the Corporation may charge an additional annual sum not exceeding one half the maximum sum chargeable under the last foregoing subsection.

(3) Sums charged under the provisions of this section shall be paid in advance either quarterly or half-yearly as the Corporation may determine and shall be recoverable in the manner in which water rates are recoverable.

(4) Nothing in this section shall be construed as entitling any person to use water supplied for domestic purposes for watering a garden by means of sprinklers or other mechanical apparatus.

31. Where a person who takes a supply of water for domestic purposes from the Corporation otherwise than by meter desires to use any of the water so supplied—

- (a) for operating a water-cooled refrigerating apparatus; or
- (b) for operating any apparatus depending while in use upon a supply of continuously running water not being an apparatus used solely for heating the water; or
- (c) for cleaning regenerating or supplying motive power to any apparatus used for softening water;

Power to require supplies for refrigerating or water-softening apparatus &c. to be taken by meter.

the Corporation may if they think fit require that all water so used shall—

- (i) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

PART IV.  
—cont.

- (ii) be paid for at such rates as may be agreed between such person and the Corporation or in default of agreement determined by a court of summary jurisdiction:

Provided that no charge shall be made under this section in respect of a water softening apparatus used within a house for which the supply of water is taken if one such apparatus only is used and if the water softened thereby is used solely for domestic purposes.

Power to require supply for hosepipe to be taken by meter in certain cases.

32. Where water which the Corporation supply for domestic purposes and in respect of which they charge a water rate is used by means of a hosepipe or other similar apparatus for watering a garden or for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept and the consumer takes also a supply of water by meter for purposes other than domestic the Corporation may require that all water used by him by means of the hosepipe or other apparatus shall be taken by meter and paid for at the rate for the time being applicable to his supply by meter for non-domestic purposes.

Special terms for supplies to caravans shacks and huts.

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

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.



34. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same company body firm or person they shall if the Corporation so decide be deemed for the purposes of determining the amount of the water rate chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a net annual value (within the meaning of section 31 (Rates for domestic purposes) of the Act of 1929) equal to the aggregate net annual values of the separate houses or buildings or parts of houses or buildings so occupied.

PART IV.  
—cont.  
As to net annual value of two or more houses in one occupation.

35.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of the water rate have effect retrospectively as from the date when the proposal was made and any necessary adjustments shall be made in the then current instalment of the rate and any subsequent instalments of rates.

Effect on water rate of alterations in valuation list. 15 & 16 Geo. 5. c. 90.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or as the case may be shall be paid and (if payable to the Corporation) may be recovered in the manner in which water rates are recoverable.

36.—(1) Where in any case the Corporation are authorised to cut off the pipe supplying water to any premises or to turn off water from any premises any officer workman or duly authorised agent of the Corporation may after giving not less than twenty-four hours' notice in writing to the occupier of the premises or if the premises are unoccupied to the owner thereof enter the premises between the hours of nine in the forenoon and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of cutting off any pipe by which the water is supplied to the premises.

Entry on premises for authorised cutting off.

(2) If any person hinder any such officer workman or agent from entering any premises in pursuance of this section he shall for every such offence be liable to a penalty not exceeding five pounds.

PART IV.  
—cont.  
Certain  
connections  
not to be  
made without  
consent.

37.—(1) In this section the expression “trade water” means water supplied through the system maintained by the Corporation for the supply of water for trade and manufacturing purposes only and the expression “domestic water” means any other water supplied by the Corporation.

(2) Any person being the owner or occupier of any premises to or in respect of which he is supplied by the Corporation with both domestic water and trade water who shall without the consent in writing of the Corporation make or cause or permit to be made any connection between any main or pipe through which trade water passes with any main or pipe through which domestic water passes shall be deemed to commit an offence under section 61 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

As to communication  
pipes.

38.—(1) For the purpose of maintaining or repairing any pipe or apparatus used for the supply of water from the waterworks of the Corporation the person liable to maintain or repair the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Corporation by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the water limits may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

As to register  
of meters.

39. If a meter or other instrument for measuring water on being tested is proved to register incorrectly to any degree exceeding five per centum—

(a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the Corporation unless it is proved to have begun to register incorrectly on some later date; and

(b) the amount of any refund to be made to or of any extra payment to be made by the consumer shall be paid or allowed by the Corporation or paid by the consumer as the case may be and in the case of an extra payment shall be recoverable in the manner in which water rates are recoverable.



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

PART IV.  
—cont:  
Power to  
remove meters  
and fittings.

(2) If any person hinders any such agent or workman from entering or effecting such removal he shall for every such offence be liable on conviction to a penalty not exceeding five pounds.

41. If any public general Act to amend the law with respect to the supply of water shall be passed in the present session of Parliament before the date of the passing of this Act this Act shall for the purposes of the operation of the said public general Act be deemed to have become law before the said public general Act.

Saving for  
public general  
Act.

## PART V.

### STREETS BUILDINGS AND SEWERS.

42.—(1) The Corporation may stop up and discontinue the following portions of roads in the borough (namely):—

Power to stop  
up parts of  
Old Road  
Chester Road  
and River  
Road.

- (a) Old Road from its junction with Wilderspool Causeway to a point twenty yards or thereabouts east of that junction;
- (b) Chester Road from its junction with Wilderspool Causeway to its junction with the new road leading from Chester Road to Wilderspool Causeway;
- (c) River Road from its junction with Chester Road to its junction with the passage situated between the premises known as No. 92 and No. 94 Wilderspool Causeway (except so much thereof as now forms part of the said new road);

and thereupon all rights of way over or along the said portions of the roads referred to in this section and other rights in respect thereof shall be extinguished and the Corporation may appropriate and use or sell or let the site of the portions of the roads so stopped up.

PART V.  
—cont.

(2) Provided that—

- (a) such portions of roads respectively shall not be stopped up unless the Corporation are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of those houses and lands may otherwise agree;
- (b) the said portion of River Road shall not be stopped up until the Corporation shall have constructed a road of not less than thirty-six feet in width on the site of the said passage and on land adjoining that site so as to provide a convenient access from the remaining portion of River Road to Wilderspool Causeway.

(3) The portions of roads referred to in this section are coloured red upon the signed plan and if there be any discrepancy between the descriptions of such portions set out in subsection (1) of this section and the signed plan the latter shall prevail.

For protection  
of Postmaster-  
General.

43.—(1) Notwithstanding the stopping up of the portions of Chester Road and River Road described in subsection (1) of the section of this Act of which the marginal note is "Power to stop up parts of Old Road Chester Road and River Road" the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in respect of any telegraphic line belonging to or used by the Postmaster-General which was under in upon over along or across the portions of the said roads so stopped up or either of those portions at the time of such stopping up:—

- (a) The Postmaster-General shall have power to remove the line so however that the said power shall not be exerciseable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;



(c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;

(d) Where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) On the stopping up of the said portions of Chester Road and River Road or either of those portions the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months referred to in subsection (1) of this section shall commence to run from the date on which such notice is sent.

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

Stopping up  
and diversion  
of highways.

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

(3) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

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

19 & 20 Geo. 5.  
c. 17.

PART V.  
—cont.

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

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

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

42 & 43 Vict.  
c. 49.  
23 & 24 Geo. 5.  
c. 38.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

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

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

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

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

(7) Provided that—

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



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

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

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

(10) Any application or order under this section—

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

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

(11) The Corporation and the owner of or other person interested in any land affected by the exercise of the powers of this section may enter into and fulfil agreements relative thereto and to the payment of any expenses incurred by the Corporation in or in consequence of the exercise of those provisions.

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

45.—(1) The powers conferred upon the Corporation by section 51 (Power to vary position or direction of new streets) of the Act of 1899 to vary or alter the position of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto shall be extended so as to enable them (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall for the purposes of safety

Rounding off  
of corners at  
street  
junctions.

PART V.  
—cont.

be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius as may be determined by the Corporation.

7 Edw. 7. c. 53.

(2) If section 17 of the Public Health Acts Amendment Act 1907 shall be declared to be in force in the borough subsection (1) of this section shall be read and have effect as if the said section 17 were therein referred to instead of section 51 of the Act of 1899.

Provision for  
intersecting  
streets.

46.—(1) On the approval of any plan for a new street or new streets submitted to the Corporation under any byelaw or enactment for the time being in force the Corporation may require provision for such intersecting streets as may be reasonably required.

(2) The expression "intersecting street" in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Adjustment of  
boundaries  
of streets.

47.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of the section of this Act of which the marginal note is "As to appeals" shall apply to any such appeal as if the proposals were a decision of the Corporation.

(3) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if



the same had continued to be part of the street Provided that if the Corporation or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 of the Telegraphic Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were undertakers within the meaning of the said Act.

(4) Notwithstanding any agreement entered into under this section the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines belonging to or used by them which shall remain in upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement the Central Electricity Board deem it necessary to alter the position of any such electric lines they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Corporation.

(5) Nothing in this section shall be taken to dispense with the consent of any Government department to any appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

48.—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up. Streets broken up to be reinstated.

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

49.—(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. As to pavement lights.

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

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

PART V.  
—cont.  
Fencing of  
forecourts.

50.—(1) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt or any goods placed therein whether for sale or not 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 to a daily penalty not exceeding twenty shillings.

Signs over  
streets.

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

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

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

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

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

(4) Any person who (a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (b) after the date of the passing of this Act places any sign over any street without the



consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

(5) The provisions of this section shall not apply to any sign erected by a railway company over any street belonging to and forming part of any station or depot of such company.

**52.**—(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. Direction signs.

(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 forty shillings 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 1937 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of War Transport in pursuance of the said provisions.

**53.** Subject to the provisions of any order which the Minister may hereafter make sections 15 and 16 of the Public Health Acts Amendment Act 1907 as modified by the Act of 1936 shall have effect within the borough. Application of sections 15 and 16 of Public Health Acts Amendment Act 1907.

**54.**—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely Development scheme may be required in connection with new streets.

PART V.  
—cont.

substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road foot-path or way so as to form a new street.

(3) If after receiving the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying-out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the land nor his successors in title shall carry out the development of such land in such a manner as to conflict substantially with such plans and particulars as approved.

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

(5) The owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

**55.**—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within one month or (when the plan is submitted less than three clear days before a meeting of the council) five weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

Building line  
in new streets.



(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the one month or five weeks aforesaid without their approval nor without the approval of the Corporation beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation. 51 & 52 Vict.  
c. 52.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

**56.**—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough by order prohibit the erection or retention on As to termination of  
new streets.

PART V.  
—cont.

land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either end of such new street in order to secure means of communication between such new street and any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that the Corporation shall not prohibit the erection or retention of any such wall or fence until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to evasion  
by owners of  
private street  
works  
expenses.  
55 & 56 Vict.  
c. 57.

**57. If—**

- (i) any owner of land fronting adjoining or abutting on a street within the meaning of section 5 of the Private Street Works Act 1892 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
- (ii) any expenses of works executed by the Corporation under the said Act of 1892 in or in relation to that street are apportioned on such part or portion of that land; and
- (iii) 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
- (iv) 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 Act of 1892;

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 Act of 1892 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.



58. Where in the opinion of the Corporation repairs the cost of which will not exceed twenty pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 of the Public Health Acts Amendment Act 1907.

PART V.

—cont.

As to urgent repairs of private streets.

59. 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:

Planting of trees in private streets.

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:

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.

60. Where the Corporation resolve with respect to any street or part of a street to do any private street works under the Private Street Works Act 1892 and at any time between the date of the passing of such resolution and the date at which such works are completed any part of any premises which at the date of the passing of such resolution could lawfully if such works had then already been completed be included among the premises to be charged in manner provided by the said Act with a proportion or sum in respect of the expenses of executing such works has been conveyed or transferred then the whole of such premises may notwithstanding such conveyance or transfer be included in any apportionment (whether provisional or final) of the expenses of executing such works and the due proportion or sum

Apportionment of expenses of private street works where part of frontage premises has been transferred.

PART V.  
—cont.

chargeable in respect of such expenses against the whole of such premises shall in such apportionment be calculated as if such premises had remained wholly in the same ownership as at the date of such resolution but the amount of the proportion or sum so calculated shall in the final apportionment be divided between and shall become charged accordingly upon the part of such premises which has been conveyed or transferred as aforesaid and the remainder of such premises respectively in such shares as the Corporation may determine to be fair having regard to all the circumstances:

Provided that the owner for the time being of any part of such premises may by written notice served upon the clerk of the court and on the Corporation within one month after receiving written notice of such determination by the Corporation appeal against the same to a court of summary jurisdiction whose decision in the matter shall be final. The costs of any proceedings before such court of summary jurisdiction in relation to such appeals shall be in the discretion of the court.

As to erection  
of hoardings  
&c. at street  
corners.

**61.**—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit.

If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.



(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935.

15 & 16 Geo. 5.  
c. 68.  
25 & 26 Geo. 5.  
c. 47.

62.—(1) (a) No wall fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

As to  
hoardings  
and similar  
structures.

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 of the Housing Act 1936; or

26 Geo. 5. &  
1 Edw. 8. c. 51.

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this

PART V.  
—cont.

subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway company so long as such land is used by the railway company primarily for railway purposes.

Amendment of  
section 12 of  
Act of 1937.

**63.** Section 12 (Attachment of brackets &c. to buildings and bridges) of the Act of 1937 shall have effect as if in subsection (1) thereof—

- (a) the word "lamps" were inserted after the word "brackets";
- (b) the word "pipes" were inserted after the words "electric lines"; and
- (c) the words "or for the lighting of streets whether by electricity or gas" were inserted at the end thereof.

No buildings  
to be erected  
until street  
formed.

**64.—(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.

**65.—**(1) Every chimney erected in the borough after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice in writing given by the Corporation to the owner of such chimney be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement:

Height of chimneys.

Provided that before exercising the powers conferred by this section in relation to any chimney situated within one mile of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating that Act the Corporation shall obtain the consent of the Secretary of State for Air.

10 & 11 Geo. 5.  
c. 80.

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

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

Power to order alteration of chimneys.

PART V.  
—cont.

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  
neglected sites.

**67.**—(1) In this section “ neglected site ” means the site of a demolished building in the borough which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected site and execute the order.

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

Further  
provisions as  
to working-  
class houses.

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

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 9 of the Housing Act 1936 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house;



(d) whether the condition of the dwelling-house is or is not due to the wilful default or neglect of the tenant.

PART V.  
—cont.

69.—(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 the 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 last-mentioned 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) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date of such publication.

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 owner of the land.

70.—(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.

(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.

PART V.  
—cont.

(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  
the last two  
preceding  
sections.

71.—(1) The sum apportionable under either of the two last preceding sections of this Act 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 in writing 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) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building:

Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

- (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 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 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 and the following provisions of the Act of 1936 shall

PART V.  
—cont.

apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Subsection (2) of section 293 (Recovery of expenses &c.); and

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

For protection  
of railway  
and canal  
companies.

**72.** Nothing in the sections of this Act of which the marginal notes are "Development scheme may be required in connection with new streets" and "Building line in new streets" shall apply to any building (not being a dwelling-house) or land belonging to a railway or canal company and used by such company for the purposes of their undertaking.

## PART VI.

## INFECTIOUS DISEASE AND SANITARY.

Information  
to be furnished  
in case of  
notifiable  
disease.

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

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

Compensation  
to persons for  
ceasing  
employment to  
prevent  
spread of  
disease.

**74.** If any person at the request of the Corporation or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

Removal of  
infirm and  
diseased  
persons in  
certain cases.

**75.—(1)** If the medical officer certifies in writing that any person in the borough—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and



attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough (in this section referred to as an "institution") and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under this section:

Provided that any such further order may be made if the court is satisfied by the certificate of the medical officer of the institution and such further evidence (if any) that the court may require that the conditions which led to the making of the original order continue or would recur if the person therein referred to were no longer detained.

(2) When an order has been made under this section for the detention and maintenance of a person in an institution the court on the application of the medical officer may make a further order for the transfer of such person to another institution and for his detention and maintenance in such other institution.

(3) The medical officer shall give to any person proposed to be removed detained or transferred under the provisions of this section or to some person being in charge or formerly in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(4) The cost of the removal or transfer of any person to or from an institution and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be:

PART VI.  
—cont.

Provided that where the institution to which the said person is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the Corporation.

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

(6) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(7) The provisions of section 184 of the Act of 1936 shall apply as if such person were a patient maintained in an institution as defined in that section.

(8) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to an institution without the consent in writing of the authority or body having the control thereof and such consent may be given subject to such conditions as may be agreed.

Discontinuance  
of offensive  
trade.

**76.—(1)** In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 and the Corporation by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation



may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation:

Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of any other powers of the Corporation with reference to offensive trades.

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

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

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

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 of the Act of 1936 as applied

PART VI.  
—cont.

by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for continuance of his offence after conviction and to a penalty under section 95 of the Act of 1936 (as so applied) for failing to comply with an order or contravening an order.

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

## PART VII.

## FINANCIAL PROVISIONS.

Power to  
borrow.

78.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow at interest 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 thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements for the purposes of this Act.	£10,000	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act.	£140,000	Thirty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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



79. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

PART VII.  
—*cont.*  
As to exercise  
of borrowing  
powers.

80. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 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) without such consent.

Saving for  
emergency  
powers of  
Treasury.  
2 & 3 Geo. 6.  
c. 62.  
3 & 4 Geo. 6.  
c. 20.

81. Proviso (b) to subsection (3) of section 31 (Rates for domestic purposes) of the Act of 1929 shall have effect as if the words "section 61 (Application of revenue of undertakings)" of the Act of 1937 were inserted therein instead of the words from and including "section 78 (Keeping of accounts) of the Warrington Extension and Water Act 1890" to the end of that proviso.

Amendment of  
section 31 of  
Act of 1929.

## PART VIII.

### MISCELLANEOUS PROVISIONS.

82. The following provisions of the Acts of 1911 1929 1937 and 1938 shall extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely):—

Application of  
certain  
provisions of  
Acts of 1911  
1929 1937 and  
1938.

#### The Act of 1911—

- Section 10 (Power to alter steps areas pipes &c.);
- Section 11 (Temporary stoppage of streets);
- Section 31 (Correction of errors &c. in deposited plans and books of reference);
- Section 81 (Persons acting in execution of Act not to be personally liable);
- Section 87 (Saving for indictments);
- Section 89 (Crown rights);
- Section 90 (Saving rights of Duchy of Lancaster):

#### The Act of 1929—

- Section 8 (Extinction of private rights of way);
- Section 9 (Power to enter upon property for survey and valuation);
- Section 10 (Compensation in case of recently acquired interest);
- Section 13 (Persons under disability may grant easements &c.);
- Section 16 (Proceeds of sale of surplus lands):

PART VIII.  
—cont.

The Act of 1937—

Section 80 (Inquiries by Minister):

The Act of 1938—

Section 5 (Acquisition of easements);

Section 6 (Corporation may acquire certain easements compulsorily):

Provided that for the purposes of such extension and application—

(a) the said section 89 of the Act of 1911 shall have effect as if there were referred to therein the Commissioners of Crown Lands instead of the Commissioners of Woods and Minister of War Transport instead of the Board of Trade;

(b) the said section 10 of the Act of 1929 shall have effect as if the first day of November nineteen hundred and forty-four were referred to therein instead of the fifteenth day of November nineteen hundred and twenty-eight.

Amendment  
to section  
XXVIII of  
Act of 1854.  
17 Vict. c. viii.

83. Section XXVIII (Prescribed market days) of the Warrington Improvement and Market Act 1854 shall be read and have effect as if the words "and in addition such other days as the Corporation shall appoint by resolution" were inserted at the end thereof.

Power to  
provide  
shelters &c.

84.—(1) The Corporation may erect and maintain in the borough at or near to the routes of public service vehicles and on lands belonging to them or on any street of the borough shelters for passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles.

(2) The Corporation may erect and maintain outside the borough at or near to the routes of their public service vehicles and on lands belonging to them or on any street shelters for passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles:

Provided that except in the case of any shelter or rail for the erection of which the consent of the road authority is required by subsection (3) (iv) of this section nothing in this subsection shall be in derogation of the provisions of section 2 of the Restriction of Ribbon Development Act 1935.



(3) The Corporation shall not in pursuance of this section—

PART VIII.

—cont.

(i) erect any shelter or rail so as to cause interference with or to render less convenient the access to or exit from any station or depot belonging to any railway company; or

(ii) erect or maintain any shelter or rail in any street belonging to or repairable by any railway company without the previous consent of that company which consent shall not be unreasonably withheld; or

(iii) erect any shelter on any bridge carrying any street or road over the railway of any railway company without the consent of that company; or

(iv) erect any shelter or rail on any part of the highway outside the borough without the consent of the road authority having jurisdiction in respect of such part of the highway but such consent shall not be unreasonably withheld and any question whether any such consent has been unreasonably withheld shall be referred to and determined by the Minister of War Transport.

(4) Every application for the consent of the road authority under subsection (3) (iv) of this section shall be accompanied by a drawing of the intended type of shelter and a map or plan showing the intended position thereof.

**85.**—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times keep such silencer in proper repair.

Silencers for  
internal  
combustion  
engines.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid:

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway or canal company and used by them for the purposes of their railway or canal undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

PART VIII.  
—cont.  
Noise  
nuisance.

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

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

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

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

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

Application  
of Special  
Enactments  
(Extension  
of Time)  
Act 1940.  
3 & 4 Geo. 6.  
c. 16.

**87.** Notwithstanding anything in the Special Enactments (Extension of Time) Act 1940 that Act shall apply to any provisions contained in this Act regulating the discharge or exercise of a duty or power under which a time is limited or a date is fixed within or at which the duty is to be discharged or the power may be exercised or an exercise of the power is to take effect in all respects as if this Act had been passed before the passing of the first-mentioned Act.

Application of  
Emergency  
Powers  
(Defence)  
Acts 1939  
and 1940.

**88.** Paragraph (d) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Saving for  
town and  
country  
planning.  
22 & 23 Geo. 5.  
c. 48.  
6 & 7 Geo. 6.  
c. 29.  
7 & 8 Geo. 6.  
c. 47.

**89.** The provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order or scheme made under those Acts or any enactment repealed by those Acts and for the time being in force shall apply to any development carried out under this Act as if such development were development for the purposes of those Acts:



Provided that the Minister of Town and Country Planning shall not refuse consent under section 32 of the Town and Country Planning Act 1944 to any development authorised by this Act on any lands shown on the deposited plans and shall not impose any conditions or limitations upon such consent unless he is satisfied that it is expedient to do so on the ground—

- (a) that the design or external appearance of any building as proposed to be erected altered or extended upon such lands would seriously injure the amenity of the neighbourhood and is reasonably capable of modification; or
- (b) that any such proposed building or extension ought to be and can reasonably be situated elsewhere upon such lands.

90. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister. As to byelaws.

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

92.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part V (Streets buildings and sewers) or Part VI (Infectious disease and sanitary) of this Act or under the sections of this Act of which the respective marginal notes are "As to net annual value of two or more houses in one occupation" and "Silencers for internal combustion engines" may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction. As to appeals.

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

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

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought

PART VIII.  
—cont.

unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where the Corporation or 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 they or he may except where otherwise expressly provided appeal to such a court.

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

- (a) no proceedings in respect of any failure to execute the work or take the action shall be taken;
- (b) the Corporation shall not execute such work or take such action; and
- (c) any such person may carry on such business and use such premises for such purpose;

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

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

Damages and charges to be settled by court.

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

Compensation how to be determined.

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



- 95.—(1) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—
- |             |   |   |
|-------------|---|---|
|             |   | PART VIII.<br>—cont.<br>Application of<br>provisions of<br>Public Health<br>Act 1936. |
| Section 275 | (Power of local authority to execute certain work on behalf of owners or occupiers);                              |   |
| Section 277 | (Power of councils to require information as to ownership of premises);   |   |
| Section 283 | (Notices to be in writing; forms of notices &c.);   |   |
| Section 284 | (Authentication of documents);  |   |
| Section 285 | (Service of notices &c.);   |   |
| Section 286 | (Proof of resolutions &c.);   |   |
| Section 287 | (Power to enter premises);  |   |
| Section 288 | (Penalty for obstructing execution of Act);   |   |
| Section 289 | (Power to require occupier to permit works to be executed by owner);  |   |
| Section 291 | (Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments); |   |
| Section 292 | (Power to make a charge in respect of establishment expenses);  |   |
| Section 293 | (Recovery of expenses &c.);   |   |
| Section 294 | (Limitation of liability of certain owners);  |   |
| Section 295 | (Power of local authority to grant charging orders);  |   |
| Section 296 | (Summary proceedings for offences);   |   |
| Section 297 | (Continuing offences and penalties);  |   |
| Section 299 | (Inclusion of several sums in one complaint &c.);   |   |
| Section 304 | (Judges and justices not to be disqualified by liability to rates);   |   |
| Section 328 | (Powers of Act to be cumulative);   |   |
| Section 329 | (Saving for certain provisions of the Land Charges Act 1925):   |   |

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

PART VIII.  
—cont.

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

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

Section 285 (Service of notices &c.).

## Repeal.

96. The following enactments are hereby repealed:—

42 & 43 Vict.  
c. xcii.

The Warrington Corporation Lighting and Improvement Act 1879—

Section 23 (Notice to be given of persons suffering from infectious diseases);

Section 24 (Further powers in relation to disinfection of premises);

Section 25 (Further powers for removal to hospital of infected person).

The Act of 1899—

Section 46 (As to plans &c. deposited with Corporation);

Section 47 (Approval of plan to be void after certain intervals);

Section 48 (Intersecting streets);

Section 49 (Continuations of existing streets to be deemed new streets);

Section 55 (Gardens forecourts &c. to be fenced off from streets);

Section 59 (Height of chimneys);

Section 60 (Yards to be paved);

Section 61 (Entrances to courts not to be closed);

Section 62 (What to be deemed new buildings);

Section 64 (As to temporary and moveable buildings);

Section 65 (Power to sell materials of temporary buildings);

Section 66 (Byelaws as to building materials);

Part VII—Sanitary provisions. The whole Part.

Section 85 (Articles of bed and body clothing to be purified);



Section 86 (Wake not to be held over body of person dying of infectious disease);

PART VIII.  
—cont.

Section 87 (Dairymen to notify infectious disease among their servants);

Section 91 (Principal of school to furnish list of pupils in certain cases);

Section 92 (Protection against infection of books in public libraries).

Part IX Tuberculosis. The whole Part.

Part X Common lodging houses. The whole Part.

Section 160 (With respect to compositions with owners of cottage property);

Section 162 (Application of sections of Act of 1890).

The Act of 1911—

Part VIII Ice-cream. The whole Part.

Part IX Common lodging houses. The whole Part.

Section 54 (Corporation may make communications between private drains and their sewers on payment &c.);

Section 55 (Amendment of section 19 of Public Health Acts Amendment Act 1890);

Section 56 (For preventing soil and sand from being washed into streets);

Section 57 (Watercourses not to be covered in except in accordance with approved plan);

Section 58 (Improper construction or repair of water-closet or drain);

Section 60 (Regulation dustbins);

Section 61 (Prohibition of blowing or inflating carcasses);

Section 62 (Compensation to persons ceasing employment);

Section 63 (Information to be furnished to medical officer and penalty for furnishing false information).

The Warrington Order 1916—

The whole order.

The Act of 1929—

Section 32 (Charges for hosepipes and refrigerating apparatus).

PART VIII.  
—cont.  
Costs of Act.

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

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