



CHAPTER ci.

An Act to confer powers upon the Urban District Council of Hoylelake and West Kirby for the construction of parades and a marine lake and for the improvement of the Hoyle Lake and to make better provision for the local government health and improvement of the district and for other purposes. A.D. 1897.
[15th July 1897.]

WHEREAS by an order of the County Council of the county of Chester dated the 7th day of November 1889 and confirmed by an order of the Local Government Board dated the 15th day of January 1891 the then townships of West Kirby Great Meols Little Meols and Hoose and part of the then township of Grange (all which now form the township of Hoylelake-cum-West Kirby) in the said county were constituted an urban sanitary district (in this Act called the district) and such district is now under the government of the Urban District Council of Hoylelake and West Kirby (in this Act called the Council):

And whereas doubts have arisen as to the correct name of the district and in order to remove those doubts it is expedient to define or alter the name of the district as by this Act provided:

And whereas it is expedient that the maritime boundary of the district should be defined and that the Council should be invested with further powers of control over the seashore of the district:

And whereas it is expedient that the Council should be authorised to make the parades or promenades and the marine lake in this Act described:

And whereas the Hoyle Lake is a natural basin or channel of the sea and has until recently afforded protection to fishing boats and there is danger of such lake being silted up whereby great injury will be caused to the fishing fleet and consequent loss to the district and damage will also be occasioned to the sewerage system

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A.D. 1897. of the district and accordingly it is expedient that the Council should be authorised to improve the Hoyle Lake in the manner authorised by this Act:

And whereas the construction of the works by this Act authorised will greatly benefit the lands adjoining the same and in the proximity thereof and it is expedient that the lands required for such works (which are open or waste lands of little or no value) should be vested in the Council without payment or compensation and that provision should be made for the contribution by the persons benefited by such works towards the expenses thereof:

And whereas it is expedient that powers should be conferred upon the Council for the obtaining use and supply of sea water:

And whereas by an enclosure award dated the twenty-fourth day of May one thousand eight hundred and thirty and made in pursuance of the Act 7 and 8 George IV. chapter 13 intituled "An Act for enclosing dividing and allotting lands within the township of Westkirby in the parish of Westkirby in the county palatine of Chester" a certain piece of land in the district now known as Liberty Piece was allotted to the surveyors of highways of the township of West Kirby for the purpose of getting stone gravel and sand for the use benefit improvement and repair of the lands highways private roads and paths within the said township:

And whereas Liberty Piece is not now used for any of the purposes aforesaid and it is expedient that it should be inclosed and laid out as a public pleasure ground:

And whereas it is expedient that better provision should be made with reference to streets and buildings and the local government health improvement and management of the district:

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

And whereas estimates have been prepared by the Council in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
For and in connexion with the construction of the North Parade and the South Parade - -	24,000
For and in connexion with the construction of the Marine Lake - - - -	2,500
For and in connexion with improvement of the Hoyle Lake by this Act authorised - -	13,500

And whereas the several works mentioned in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 : A.D. 1897.
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And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required for the purposes of this Act and of the lands upon which an improvement charge is by this Act imposed were duly deposited with the clerk of the peace for the county of Chester which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas an absolute majority of the whole number of the Council at a meeting held on the twelfth day of October one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Liverpool Mercury* a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said *Liverpool Mercury* and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the eighteenth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Hoylake and West Kirby Short title. Improvement Act 1897.*

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

Division of
Act into
Parts.

Part I. —Preliminary.

Part II. —Seashore.

Part III.—Parades and Marine and Hoyle Lakes.

Part IV. —Streets and Buildings.

Part V. —Finance.

Part VI. —Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts and sections 14 15 and 28 of the Harbours Docks and Piers Clauses Act 1847 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Name of district.

4. Notwithstanding anything contained in the order of the County Council of the county of Chester dated the seventh day of November one thousand eight hundred and eighty-nine as confirmed by the order of the Local Government Board dated the fifteenth day of January one thousand eight hundred and ninety-one the name of the urban sanitary district thereby constituted shall be "The Urban District of Hoylelake and West Kirby."

Interpretation.

5. In this Act the following words and expressions have the meanings hereby assigned unless the subject or context otherwise requires :—

"The district" means the Urban District of Hoylelake and West Kirby as extended and defined by this Act ;

"The Council" means the Urban District Council of Hoylelake and West Kirby ;

"The Mersey Commissioners" means the Commissioners for the conservancy of the River Mersey ;

"The acting conservator" means the acting conservator for the time being appointed by the Mersey Commissioners under the Mersey Conservancy Act 1842 ;

"The seashore" means the seashore foreshore and shore and all the sands within the district seaward of the seawalls parades embankments enclosed lands sandhills or other lands immediately adjacent to the sea raised above the seashore whether enclosed or not ;

"The clerk" and "the surveyor" mean respectively the clerk and the surveyor to the Council ;

"The district fund" and "general district rate" mean the district fund and general district rate of the district ;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof :

Unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Public Health Acts have in this Act the same respective meanings: A.D. 1897. —

And the expression "superior courts" or "court of competent jurisdiction" shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

6. This Act shall be carried into execution by the Council.

Execution
of Act.

PART II.—SEASHORE.

7.—(1) The maritime boundary of the district and of the parish comprised therein is hereby extended to and declared to be the line coloured red upon the map signed in duplicate by William George Mount Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred. Maritime boundary of district.

(2) The maps referred to in this section shall within two weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the clerk at the office of the Council and copies of the said map certified by the clerk to be true shall be sent within one month after the passing of this Act to the Local Government Board to the Board of Agriculture and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

(3) Copies of or extracts from the said map deposited with the clerk certified by him to be true shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map.

8. The seashore shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:— Seashore to be street for certain purposes.

Every person who slaughters or dresses any cattle or any part thereof except in the case of any cattle overdriven which may have met with any accident and which for the public safety or other reasonable cause ought to be killed on the spot;

Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution;

Every person who wilfully and indecently exposes his person;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any

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profane or obscene song or ballad or uses any profane or obscene language ;

Every person who wantonly discharges any firearm or throws any stone ;

Every person who throws or lays any dirt litter or ashes or nightsoil or any carrion fish offal or rubbish on any street.

Byelaws as
to seashore.

9. The Council may for the prevention of danger obstruction nuisance or annoyance to persons using the seashore the Marine Lake the Hoyle Lake and the sides and banks thereof (all of which are in this section included in the expression "seashore") make and enforce byelaws for all or any of the following purposes (that is to say) :—

(1) For regulating the erection or placing or continuance on the seashore or the approaches thereto or any part or parts thereof of any booths tents sheds stands stalls (whether fixed or movable) or vehicles for the sale or exposure for sale of any article or thing or any shows exhibitions performances swings roundabouts or other like erections or things vans photographic carts or other vehicles and the playing of any games on the seashore or any part thereof and generally for regulating the user for such purposes as shall be prescribed by such byelaws of the seashore or any part thereof Provided always that nothing contained in this sub-section or in any byelaw made thereunder shall confer any right to place any erection or thing upon any land now or heretofore the property of any person or upon any part of the seashore in front thereof without the prior written consent of such person or his successors ;

(2) For regulating the selling and hawking of any article commodity or thing on the seashore ;

(3) For regulating the user of the seashore or any part thereof for riding and driving ;

(4) For the preservation of order and good conduct among persons frequenting the seashore.

Byelaws as
to bathing.

10. The Council may make and enforce byelaws for all or any of the following purposes (that is to say) :—

(1) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine and for prohibiting the use of any other places on the seashore for bathing without using a bathing machine ;

(2) For the preservation of decency and order at public bathing places on the seashore ;

- (3) For regulating the hours during which bathing may take place from public bathing places on the seashore and for prohibiting the use of such places except during the hours so fixed; and
- (4) For prescribing the use of decent and sufficient bathing garments.
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11. The Council shall have the powers of a conservancy authority in relation to the removal of wrecks under Part IX. of the Merchant Shipping Act 1894 and for that purpose the seashore and the area within two hundred yards on the seaward side thereof (in this section referred to as "the limits of this section") shall be deemed to be a tidal water under the control of the Council and in addition to those powers the following provisions shall have effect (that is to say):—

Removal of wrecks.

If any vessel be wrecked sunk stranded or abandoned within the limits of this section and the owner master or person having the management thereof do not within seven days next after such vessel shall have been so wrecked sunk stranded or abandoned begin to take the necessary measures to endeavour to weigh or raise and to remove the same or within that period give security to the satisfaction of the Council for so doing and shall not with all convenient speed thereafter remove the same the Council may take possession of such vessel and sell break up blow up with any explosive substance or otherwise remove or dispose of such vessel and may recover and receive the moneys (if any) arising therefrom and may retain out of such moneys all or any expenses incurred by them in lighting watching buoying raising blowing up breaking up advertising or selling such vessel or any part thereof or otherwise in any manner or for any purpose whatsoever in respect or on account of such vessel or any part thereof rendering the balance (if any) to the person who was the owner master or other person having the management of such vessel immediately before it was wrecked sunk stranded or abandoned. Provided that the powers conferred by this section shall be subject to provisoes (1) and (2) contained in section 530 of the Merchant Shipping Act 1894:

The word "vessel" shall for the purpose of this section include and extend to every article or thing or collection of things being or forming part of the cargo stores tackle furniture equipments or ballast of the vessel.

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Power to
employ
boatmen.

Seats and
chairs for
public use.

12. The Council may employ and pay boatmen for the purpose of protecting persons whilst bathing.

13. The Council may place or authorise any person to place seats shelters and chairs in any street or any recreation ground for the time being belonging to the Council for the use of the public and may if they think fit charge or allow such person to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of such seats shelters and chairs and for preventing injury or damage thereto.

PART III.—PARADES AND MARINE AND HOYLE LAKES.

Power to
construct
works.

14. The Council may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the works following (that is to say):—

Work No. 1. A road or carriage drive promenade and embankment (in this Act called the North Parade) nine hundred and forty yards in length commencing at the north-east corner of the Dale Estate and terminating at King's Gap Road :

Work No. 2. A road or carriage drive promenade and embankment (in this Act called the South Parade) one thousand three hundred and sixty yards in length commencing at Riversdale Road and terminating at Sandy Lane :

Work No. 3. A marine lake (in this Act called the Marine Lake) to be formed on the seashore partly by the South Parade and partly by a sea wall or embankment :

Work No. 4. An improvement of the Hoyle Lake (in this Act called the Hoyle Lake Improvement) to be formed by a deepening of that lake and by an embankment fitted with gates and sluices and to be constructed on the seashore and the bed of the sea commencing at a point one hundred and seventy yards north-west of the Hoes Church Road Hoylelake and extending thence for a distance of four hundred and thirty-three yards measured in a north-westerly direction :

Together with all necessary or proper footways carriage-ways approaches roads communications steps slipways sewers drains embankments walls bridges railings groynes locks gates sluices culverts aprons dams cuts jetties landing-places quays wharves beacons buoys lights toll-houses sheds cranes lifts machinery shelters works appliances and conveniences connected with the said works or any of them.

15. For the protection of the Mersey Docks and Harbour Board (in this section called "the board") the following provisions shall have effect (that is to say):—

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For protec-
tion of Mer-
sey Docks
and Harbour
Board.

- (1) The Council shall not in carrying out or executing any of the works authorised by this Act take enter upon or in any manner interfere with the lighthouse houses or telegraph office belonging to the board or the land of the board adjoining to such lighthouse houses and telegraph station which said lighthouse houses telegraph station and land are shown on the deposited plans and book of reference and are included in the premises numbered 23 in the said plans and book of reference or with any approach or access to the said lighthouse houses telegraph station or land or with the lifeboat house belonging to the board shown on the deposited plans which is included in the premises numbered 24 in the said deposited plans and book of reference or with any approach or access thereto until the Council shall have obtained the consent of the board in writing under the hand of their secretary :
- (2) The Council shall at least eighteen times in every month cause to be discharged from the Hoyle Lake Improvement by means of sluices adjacent to the entrance to be approved by the principal engineer for the time being of the board by writing under his hand the total contents of the Hoyle Lake Improvement in the space between the level of the top of the dam to be made for the formation of the said work as shown in the deposited plans and sections and the proposed level of the sill of the said work namely the datum level known at Liverpool as " Old Dock Sill " :
- (3) The Council shall as soon as reasonably may be erect and shall for ever thereafter maintain at their own expense suitable apparatus for recording continuously and automatically the level at which from time to time the water in the Hoyle Lake Improvement stands and the principal engineer of the board or any person appointed by him in writing may at all times inspect such apparatus and take notes of the levels recorded by it :
- (4) The Council shall on or before the seventh day of every month send to the secretary of the board a copy of the completed records of such apparatus during the preceding month :
- (5) If the Council at any time fail to comply with any of the requirements of this section they shall for every such failure be liable to a penalty not exceeding fifty pounds and to a

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daily penalty not exceeding five pounds such penalties to be recoverable by the board.

Power to deviate.

16. In constructing the works by this Act authorised the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade or of the Mersey Commissioners as the case may be.

Correction of errors &c. in deposited plans and book of reference.

17. If any omission mis-statement or wrong description is found to have been made of any lands or of the owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Council may apply to two justices for the correction thereof after giving ten days' notice to the owners lessees or occupiers of the lands affected by the proposed correction.

If it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or wrong description and such certificate shall be deposited with the clerk of the peace for the county of Chester.

The certificate shall be kept by the said clerk of the peace with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate.

Period for completion of works.

18. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed and any lands by this Act vested in the Council for the purpose of such of the said works or parts thereof as are not then made shall by virtue of this Act be re-vested in the owners of and other persons interested in the lands from which the same shall have been severed and such owners and other persons shall hold and be interested in the lands so re-vested for the same estates in the same manner and subject to the same trusts and conditions as they hold or are interested in the lands from which they shall have been severed.

19. The Council may in connexion with and for the purposes of the parades by this Act authorised and within the limits of deviation of those parades as shown on the deposited plans make junctions and communications with any existing streets which may be interfered with by or contiguous to the said parades and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the said parades Provided that the Council shall make to the owners lessees and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration compensation for all damage sustained by them or any of them by the exercise of the powers of this section.

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Power to
make sub-
sidiary
works.

20. The Council may for the purposes of or in connexion with the parades by this Act authorised and within the limits of deviation of those parades as shown on the deposited plans raise sink or otherwise alter the position of any sewer or drain and gas and water main or pipe and may remove any other obstruction making in case of alterations proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making compensation to any person who suffers damage by any such alteration.

Alteration
of position
of mains
and pipes.

21. The Council may with the consent of the Board of Trade or of the Mersey Commissioners as the case may be but not otherwise for the purposes of the Marine Lake and the Hoyle Lake dredge excavate and deepen so much of the seashore and bed of the sea as is situate within the limits of deviation of those lakes as shown on the deposited plans and the Council may also dredge excavate deepen and improve the channel or gutter leading from the Hoyle Lake to the Rock Channel and may for the purposes of this Act construct hire provide and maintain such dredging and other machines engines vessels and works as the Council may deem necessary Provided that all materials excavated or dredged under the powers of this section if deposited below high-water mark shall only be deposited in such positions and under such restrictions as may be fixed by the Board of Trade or by the Mersey Commissioners as the case may be.

Power to
dredge.

22.—(1) The Council may set apart and appropriate the whole or such portion or portions of the North Parade and the South Parade respectively as they think fit for the exclusive use of foot passengers and the Council may also provide place erect and maintain on the said parades or on the sides or banks of the Marine Lake stands for bands of music waiting refreshment concert and

Use of
works.

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(2) The Council may either themselves provide and let for hire or may license any person to let for hire any pleasure boats boat houses bathing vans and sheds on or in connexion with the Marine Lake and the Hoyle Lake.

Parades and
embankment
of marine
lake to be
streets for
certain pur-
poses.

23. The parades by this Act authorised shall subject to the provisions of this Act be deemed to be streets and the sides or banks of the Marine Lake shall be deemed to be streets for the purposes specified in the section of this Act whereof the marginal note is "Seashore to be street for certain purposes."

Power to
levy tolls.

24. The Council may to the exclusion of any other body or person demand and receive in respect of the use of the Marine Lake and the Hoyle Lake and the channel or gutter leading from the Hoyle Lake to the Rock Channel any tolls and charges not exceeding the sums allowed in that behalf by a certificate of the Board of Trade signed by a secretary or an assistant secretary of that Board and any certificate purporting to be so signed shall be receivable in evidence and shall be deemed to be a certificate of the Board of Trade unless the contrary be shown.

Notice of
application
to Board of
Trade to be
given.

25. Notice of any application to the Board of Trade for a certificate with respect to the tolls and charges which may be demanded and received by the Council in respect of the use of the Marine Lake and the Hoyle Lake and the channel or gutter leading from the Hoyle Lake to the Rock Channel shall be given in one or more newspapers circulated in the district naming a place within the district where a list of the proposed tolls or charges may be seen at all reasonable times free of charge and any person desiring to object to any such tolls or charges shall give notice in writing to the Board of Trade and the Council stating the nature of his objection within twenty-one days after the last publication of the notice of the application and the Board of Trade may if they think fit hold an inquiry locally or otherwise in reference to such application as they see fit and the expenses of the Board of Trade in connexion with such inquiry shall be defrayed by the Council.

Vesting of
open lands
in Council
and adjoining
owners.

26.—(1) So much of the lands shown on the deposited plans described in the deposited book of reference and situate within the limits of deviation shown on those plans of the several works by this Act authorised as may be required by the Council for the purposes of those works and all lands within the limits aforesaid and adjoining the North Parade and the South Parade on the seaward

side of those parades shall be and the same are by this Act vested in the Council without payment or compensation excepting and reserving nevertheless unto the owners of the said lands all mines and minerals thereunder and liberty to get the same so far as the same can be gotten without injury to the said works or disturbance of the surface of the said lands. A.D. 1897.

(2) So much of the lands shown on the deposited plans described in the deposited book of reference and situate within the limits shown on those plans of the parades by this Act authorised as may not be required by the Council for the purposes of those works and as shall be situate on the landward side of the said parades and between the same and any inclosed lands shall be and the same is by this Act vested in the respective owners of and other persons interested in such inclosed lands and such owners and other persons shall respectively hold so much of the lands vested by this subsection as is co-extensive with the boundaries nearest to the sea of their enclosed lands for the same estates and in the same manner and subject to the same trusts conditions and charges (so far as they are applicable) as they hold the inclosed lands respectively but free from all public rights in or over the lands so vested.

27. All buildings or parts of buildings erected on any land fronting on either of the parades by this Act authorised shall be erected according to such elevation as the Council may reasonably approve and any person acting in contravention of the foregoing provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that the Council shall make compensation to the owner lessee and occupier of any land or building for any loss or damage they may suffer by the exercise of the powers of this section. Elevation of
buildings
fronting
parades.

28.—(1) The owners for the time being of the lands delineated on the deposited plans and described in the deposited book of reference which bear respectively on those plans the numbers set forth in the first column of the First Schedule to this Act shall respectively for a period of fifty years from the completion of the North Parade pay to the Council on the first day of July in every year the sums respectively specified in the second column of the said schedule and such sums shall be paid by the Council into the district fund: Improve-
ment charge.

Provided always that the Mersey Docks and Harbour Board and their successors shall be exempted from liability to make any payment to the Council under this section in respect of the whole or any part of their land delineated on the deposited plans and

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(2) The owners for the time being of the lands delineated on the deposited plans and described in the deposited book of reference which bear respectively on those plans the numbers set forth in the first column of the Second Schedule to this Act shall respectively for a period of fifty years from the completion of the South Parade pay to the Council on the first day of July in every year the sums respectively specified in the second column of the said schedule and such sums shall be paid by the Council into the district fund.

(3) A certificate under the hands of two justices that both or either of the parades by this Act authorised have or has been completed shall for the purposes of this section be conclusive evidence of the contents of such certificate and two justices shall upon the application of the Council and upon proof being given to their satisfaction of the completion of both or either of the said parades give their certificate accordingly :

Provided always that in case the portion of the North Parade in front of or adjoining the land of the Mersey Docks and Harbour Board or the land of the Admiralty shall not be completed by reason of the said Board or the Admiralty withholding consent thereto then and in such case the portion of the North Parade between the commencement of that parade and Government Road and the portion between the land of the said Board and the termination of the North Parade shall be deemed to be separate parades for the purposes of this section and the certificate of the justices that both or either of such portions have or has been completed shall have the same effect with regard to the payments by the owners of the land fronting thereto as though the certificate had applied to the entire North Parade.

(4) The sums payable under this section shall be a charge upon the premises in respect of which they are payable and shall be recoverable in the same manner and with the same incidents as private improvement rates are recoverable under the Public Health Acts.

(5) At any time before the expiration of the period for which any annual sum is made payable by this section the owner of the premises in respect of which such sum is payable may redeem the

same by payment to the Council of such capital sum as may be agreed between the Council and such owner. A.D. 1897.

(6) If at any time any of the lands referred to in the foregoing provisions of this section be divided into separate plots the annual sums payable in respect of such lands so divided may be apportioned by the owner thereof with the approval of the Council between the said several plots and from and after such apportionment the separate plots in respect of which such apportionment is made shall be charged and chargeable only with the amounts thereby apportioned to them respectively.

PART IV.—STREETS AND BUILDINGS.

29.—(1) The approval by the Council of any plan or section of any street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say) :—

Approval of plan to be void after certain interval.

As to plans approved after the passing of this Act within three years from the date of such approval; and

As to plans approved before the passing of this Act within three years from the commencement of this Act;

and at the expiration of those respective periods fresh notice and deposits and approval shall unless the Council otherwise determine be requisite.

(2) The Council shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced.

30. The Council may retain any drawings plans sections specifications and written particulars descriptions or details deposited with the Council in pursuance of any enactment for the time being in force in the district or of any byelaw made thereunder.

Retention of plans &c. deposited with the Council.

31. The Council may by order vary or alter the position direction or level 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 The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Power to vary position or direction of new streets.

32.—(1) Where in the opinion of the Council it is necessary or desirable that in any street or on any land abutting on any street and used by the public the line of verandahs awnings or similar

Power to define line of verandahs.

A.D. 1897. erections or articles or the posts or supports connected therewith should be altered the Council may prescribe what shall thereafter be the line of such verandahs awnings erections posts and supports The line which in any case the Council propose so to prescribe shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without any charge and one month at least before they formally prescribe the said line they shall give notice in writing of the deposit of the said plan to every owner and occupier interested whose name and address they can ascertain No person shall erect or place any such verandah awning or similar erection or article or the posts or supports thereof except in conformity with such line.

(2) The Council may order the owner or occupier of the building in connection with which any existing verandah awning or similar erection may be used or enjoyed to set the same and the posts and supports thereof back or forward so as to be in conformity with such line Provided that the Council shall in all such cases make compensation to the owner and other persons interested for any loss or damage they may sustain thereby.

(3) If after any such line shall have been so prescribed any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

No building
until line of
street de-
fined.

33. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Council to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Fencing
vacant lands.

34. If any land other than land now forming part of any common adjoining any street is allowed to remain unfenced or the fences thereof to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the clerk to the owner or occupier of the same or without any notice if the Council are unable after

diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily or in any court of competent jurisdiction. A.D. 1897.

35. From and after the passing of this Act—

Definition
of new build-
ings.

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground ;

The conversion into a dwelling-house of any part of a building not originally constructed for human habitation ;

The conversion into one dwelling-house of two or more dwelling-houses constructed originally as two or more dwelling-houses ;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;

The re-conversion into a dwelling-house of any building which has been used or appropriated for any purpose other than a dwelling-house ;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only and (in matters relating to the structure of walls foundations roofs and chimneys for securing stability and the prevention of fires and for purposes of health) so far as regards the part of the existing building upon which such addition is to be placed ; and

The roofing or covering of an open space between walls or buildings ;

shall for all the purposes of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building.

36.—(1) Where any street in the district is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council may prescribe what shall be the line of frontage to be observed on either side of any such street The line which in any case the Council propose so to prescribe shall be distinctly marked and shown on a plan to be signed by the clerk.

Power to
define future
line of
streets.

A.D. 1897. — and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe the said line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction being of a permanent character shall be made nearer to the centre of the street than such line.

(2) The Council may and if required by the owner shall purchase the land lying between any such line as aforesaid and the street and the same when purchased shall vest in the Council as part of the street.

(3) Whenever any such line shall have been prescribed the Council shall make compensation to the owner of and other persons interested in any land adjoining the street for any loss or damage which they may sustain in consequence of the operation of this section.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line shall have been prescribed any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provided that nothing in this section contained shall prejudice the right of any owner of land situate within the district to lay out streets on such land which shall conform to the byelaws of the Council for the time being in force within the district.

Under-
takings to
bind succes-
sive owners.

37.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Council to or by any owner of property on the passing of plans or otherwise in connexion with the property of such owner and registered as herein-after provided shall be binding upon the owner of the property for the time being and all persons claiming through or under him and upon the Council and such owner shall be entitled to require from the Council a copy of such undertaking or agreement.

(2) The Council shall keep a register of such undertakings and agreements and within seven days after the date of any such under-

taking or agreement an entry thereof shall be made in the register showing the names and descriptions of the parties thereto and the purport of the undertaking or agreement and the property in respect of which the same is given or entered into and such register shall contain a suitable index relating to such property. A.D. 1897.

(3) Every such register shall be open to inspection by any person at all reasonable times on payment of a sum not exceeding one shilling in respect of each name or property searched for and the Council shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Council and any sums received under this subsection shall be carried to the credit of the district fund.

(4) If the clerk or other person having the custody of such register shall refuse to allow such inspection or to furnish such copies he shall be liable to a penalty not exceeding five pounds for each such refusal such penalty to be recoverable by the person aggrieved in a summary manner.

(5) Where at the time of such undertaking or agreement being given the legal estate in the property to which such undertaking or agreement relates is not vested in the owner thereof as defined by this section such undertaking or agreement shall not be binding upon the person in whom the legal estate in such property is at that date vested or upon his successors in title unless such person joins in such undertaking or agreement nor shall any undertaking or agreement relating to property to which the owner is entitled for a term of years only be binding upon any person for the time being entitled to such property in reversion immediate or otherwise unless such person joins in such undertaking or agreement.

(6) In this section the expression "owner" means the person for the time being receiving the rack rent of the property in respect of which such undertaking or agreement is given whether on his own account or as trustee for any other person or who would so receive the same if such property were let at a rack rent.

38. Without prejudice to any existing right of Her Majesty there shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Exemption
of Govern-
ment pro-
perty from
building
regulations.

A.D. 1897.

PART V.—FINANCE.

Power to
borrow.

39.—(1) The Council may from time to time independently of any other borrowing power borrow at interest money for any of the following purposes (that is to say) :—

- (A) For and in connexion with the construction of the North Parade and the South Parade the sum of twenty-four thousand pounds ;
- (B) For and in connexion with the construction of the Marine Lake the sum of two thousand five hundred pounds ;
- (C) For and in connexion with the improvement of the Hoyle Lake by this Act authorised the sum of thirteen thousand five hundred pounds ;
- (D) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And the Council may with the approval of the Local Government Board borrow such further moneys as the Council may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and general district rate.

Mode of
raising
money.

40. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is " Sinking fund " shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Certain
regulations
of Public
Health Act
as to borrow-
ing not to
apply.

41. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions
of Public
Health Act as
to mortgages
to apply.

42. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

43. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say) :—

A.D. 1897.
Periods for
repayment
of money
borrowed.

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within the limit there prescribed within fifty-two years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purposes (B) and (C) in the said section mentioned within the limits there prescribed within forty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (D) in the said section mentioned within seven years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as that Board may think fit to sanction.

44. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them.

Mode of pay-
ment off of
money
borrowed.

45.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

Sinking
fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised

[Ch. ci.] *Hoylake and West Kirby Improvement* [60 & 61 VICT.]
Act, 1897.

A.D. 1897. — to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Council the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

A.D. 1897.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

46. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection
of lender
from inquiry.

47. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall from time to time be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or of any part thereof or interest thereon not entered in their register.

Council not
to regard
trusts.

48. The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of

Appoint-
ment of
receiver.

A.D. 1897. principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Power to
re-borrow.

49. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual
return to
Local
Government
Board.

50.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this

Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments. A.D. 1897. ---

51. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of money borrowed.

52. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and the general district rate. Expenses of execution of Act.

53. The proceeds of the sale of any lands or other property of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act and all capital sums paid to the Council for the redemption of the annual sums payable under the section of this Act whereof the marginal note is "Improvement charge" shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be re-borrowed. Proceeds of sale of surplus lands.

PART VI.—MISCELLANEOUS.

54.—(1) The Council may on any lands acquired by them for the purposes of this section and on any lands belonging to the Council and with the consent of the Local Government Board appropriated to such purposes and on the bed of the sea erect maintain work and use a pumping station or pumping stations with all necessary engines machinery works buildings and conveniences for pumping water from the sea and may construct lay down and maintain in and along the foreshore and streets in the district such mains pipes and works as may be necessary or convenient for the Sea water pumping.

[Ch. ci.] *Hoyle and West Kirby Improvement* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. conveyance use or supply of sea water and may use and supply such water accordingly.

(2) The Council may for the purposes of this section break up any streets in the district but they shall not under the powers of this section enter upon any lands not vested in them except with the consent of the owners of and other persons interested in such lands.

(3) The terms and conditions upon and subject to which the Council may supply sea water under the powers of this section shall be such as the Council may prescribe or as shall be agreed upon between the Council and the person desirous of being supplied.

For protection of
London and
North
Western
and Great
Western
Railway
Companies.

55. The following provisions for the protection of the London and North Western and Great Western Railway Companies (hereinafter referred to as the railway companies) shall be in force and have effect:—

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway companies or the bridges approaches viaducts stations or other works or any level crossings of the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies and only according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to the railway companies the amount of such compensation together with full costs to be recoverable from the Council by all and the same means as any simple contract debt is recoverable.

56.—(1) It shall be lawful for the Council to enclose the piece of land in the district known as Liberty Piece and after such enclosure to maintain the same as a public pleasure ground and to plant and lay out the same and to provide seats therein as the Council shall think fit and the same shall be deemed to be a public pleasure ground provided under the Public Health Acts. A.D. 1897.
Liberty
Piece.

(2) From and after such enclosure it shall not be lawful for any person to get or dig in the said Liberty Piece or carry away therefrom any stone gravel or sand or other material without the consent of the Council which consent shall be in writing under the hand of the clerk and may contain such terms and conditions as the Council may think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds.

57.—(1) It shall not be lawful to use in any street any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit Any person aggrieved by the refusal of the Council to grant such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the clerk and the court may make such order in the matter as they deem just and may award costs such costs to be recoverable in like manner as a penalty under this Act. Restriction
on adver-
tising
vehicles and
hoards.

(2) Every hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Council.

(3) It shall not be lawful after the passing of this Act to erect any hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard as the Council may determine.

(4) The owner or other person using any hoard wall or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Council and in the event of any papers affixed for advertising purposes to such hoard wall or other structure

[Ch. ci.] *Hoylake and West Kirby Improvement* [60 & 61 VICT.]
Act, 1897.

A.D. 1897, falling off or becoming detached shall forthwith remove and clear away such papers.

(5) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Provided always that this section shall not apply to any board or advertisement affixed to any railway station or premises of any railway company for the purposes of any such company.

Byelaws for
steam organs.

58. The Council may make and enforce byelaws for regulating within the district the use of any steam organ or similar noisy instrument.

Fencing of
grass plots.

59. It shall be lawful for the Council to fence round and enclose any portion of any street which is or may be planted with grass or used as an ornamental ground.

Purchase of
additional
lands by
agreement.

60. The Council in addition to any lands which they are otherwise by this Act authorised to acquire may by agreement purchase take on lease and acquire and hold for the purposes of this Act any lands not exceeding in the whole ten acres but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands.

Persons
under dis-
ability may
grant ease-
ments &c.

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

Restriction
on taking
houses of
labouring
class.

62. The Council shall not under the powers of this Act purchase or acquire either compulsorily or by agreement ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. A.D. 1897.

63.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by
Local
Government
Board.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

64. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate licence or consent or approval of or by the Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may in cases where no other right of appeal is given by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Council may in like manner appeal. Provided that in cases where application for relief is authorised to be made to the Council the person deeming himself aggrieved shall not appeal under this section until after the application has been determined. As to appeal.

65. 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 the Public Health Acts. Compensa-
tion how to
be deter-
mined.

66. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw Recovery of
penalties &c.

[Ch. ci.] *Hoylake and West Kirby Improvement* [60 & 61 Vict.]
Act, 1897.

A.D. 1897. made in pursuance thereof may be prosecuted and recovered in a summary manner.

Authentica-
tion and
service of
notices.

67. In the case of any notice or other such document under this Act requiring authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

General
provisions as
to byelaws.

68. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Council under the powers of this Act. Provided that the Secretary of State shall be the confirming authority for byelaws made under the sections of this Act whereof the marginal notes are respectively "Byelaws as to seashore" and "Byelaws for steam organs" and no byelaws made under the powers of this Act (other than byelaws relating to bathing) shall so far as they apply to the seashore below high-water mark be valid unless approved by the Board of Trade.

Works below
high-water
mark not to
be com-
menced
without con-
sent of Board
of Trade
or Mersey
Commis-
sioners.

69. The Council shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade or the Mersey Commissioners as the case may be to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade or the acting conservator as the case may be and then only according to such plan and under such restrictions and regulations as the Board of Trade or the acting conservator as the case may be may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade or the Mersey Commissioners as the case may be may abate and remove the same and restore the site thereof to its former condition at the costs and

charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown or the Mersey Commissioners as the case may be and shall be recoverable accordingly with costs. A.D. 1897.

70. If at any time the Board of Trade or the Mersey Commissioners or the acting conservator on their behalf as the case may be deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Council on in over through or across tidal lands or tidal water or of the intended site of any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown or the Mersey Commissioners as the case may be and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Council. Survey of works by Board of Trade or Mersey Commissioners.

71. If a work constructed by the Council on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade or the Mersey Commissioners as the case may be may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown or the Mersey Commissioners as the case may be and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Council. Abatement of work abandoned or decayed.

72. The Council 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) as the Board of Trade or the Mersey Commissioners as the case may be from time to time require or approve. If the Council fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds. Lights on works during construction.

73. The Council shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House Deptford Strond shall from time to time direct. If the Council fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds. Council to exhibit lights after completion of works.

[Ch. ci.] *Hoyle and West Kirby Improvement* [60 & 61 VICT.]
Act, 1897.

A.D. 1897.

Provision
against
danger to
navigation.

74. In case of injury to or destruction or decay of the works or any part thereof the Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Council shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

For pro-
tection of
Cheshire
County
Council.

75. Notwithstanding anything in this Act contained none of the powers conferred by this Act so far as the same affect any main road for the time being vested in the Cheshire County Council shall be exerciseable without the previous consent of that Council.

Saving
rights of the
Crown in the
foreshore.

76. Nothing contained in this Act shall authorise the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving
mineral
rights of the
Crown.

77. Nothing contained in this Act or in any byelaw to be made thereunder shall authorise the Council or their grantees to interfere with any minerals or mineral rights belonging to the Queen's most Excellent Majesty in right of Her Crown or with any person authorised to win and work the said minerals neither shall anything in this Act contained render Her Majesty or Her grantees or lessees of minerals or mineral rights liable to contribute to any improvement or other charge in respect of such minerals or mineral rights but all such minerals and mineral rights shall remain vested in Her Majesty and may be enjoyed and exercised as if this Act had not been passed.

Saving for
Admiralty.

78. Nothing contained in this Act shall authorise the Council to take use or in any manner interfere with any lands or property vested in or in the occupation of the Admiralty without their consent and none of the provisions of this Act shall apply to such lands or property without the consent of the Admiralty.

[60 & 61 VICT.] *Hoyle and West Kirby Improvement*
Act, 1897.

[Ch. ci.]

79. All the costs charges and expenses preliminary to and of
and incidental to the preparing applying for obtaining and passing
of this Act as taxed by the taxing officer of the House of Lords or
of the House of Commons shall be paid by the Council out of the
district fund and general district rate or out of moneys to be
borrowed under this Act.

A.D. 1897

Costs of
Act.

A.D. 1897.

SCHEDULES.

THE FIRST SCHEDULE.

NORTH PARADE.

Number on deposited Plan.	Amount of Annual Payment.	Number on deposited Plan.	Amount of Annual Payment.
First column.	Second column. £ s. d.	First column.	Second column. £ s. d.
2	61 10 8	26	3 13 2
3	7 12 0	27	3 12 0
5	5 11 0	28	3 12 0
6	1 6 8	29	3 12 0
7	1 10 8	30	3 12 0
10	1 12 8	31	1 14 9
11	1 6 0	32	1 15 3
12	1 6 4	33	2 7 9
13	1 7 0	34	1 19 10
14	1 13 8	35	2 8 4
16	1 16 8	36	1 13 11
17	1 7 0	37	1 14 9
18	1 8 0	38	2 1 1
19	2 12 0	39	2 0 11
21	9 8 8	40	2 0 11
23	15 0 8	41	3 5 2
25	3 4 4	42	3 12 11

THE SECOND SCHEDULE.

A.D. 1897.

SOUTH PARADE.

Number on deposited Plan.	Amount of Annual Payment.	Number on deposited Plan.	Amount of Annual Payment.
First column.	Second column. £ s. d.	First column.	Second column. £ s. d.
48	7 6 8	71	0 16 5
49	21 11 0	72	0 17 5
52	19 1 4	73	0 18 2
53	11 12 0	74	0 10 7
54	8 6 0	76	0 9 5
56	6 11 0	77	0 14 2
57	6 13 4	78	0 10 2
58	22 2 8	79	7 6 5
59	25 13 4	80	19 15 0
61	1 1 5	81	16 10 8
62	1 8 11	82	5 6 8
63	1 9 8	83	21 19 8
64	1 0 9	84	1 14 4
65	1 0 0	85	1 11 4
66	0 14 2	86	1 10 0
68	0 9 10	87	1 14 4
69	0 17 5	88	5 4 8
70	0 18 2		

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