



CHAPTER x.

An Act to empower the mayor aldermen and burgesses of the borough of Rawtenstall to provide and work omnibuses to make further provision with regard to the tramways and electricity undertakings of the Corporation and the local government and improvement of the borough to consolidate the local rates leviable in the borough and for other purposes.

A.D. 1924.

[29th May 1924.]

WHEREAS the borough of Rawtenstall in the county palatine of Lancaster (in this Act called "the borough") is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough of Rawtenstall (in this Act called "the Corporation") who acting by the council are also the urban sanitary authority for the district comprising the borough:

And whereas in pursuance of powers conferred upon them by the Rawtenstall Corporation Act 1907 (hereinafter called "the Act of 1907") and the Rawtenstall Corporation Tramways Order 1910 the Corporation are the owners of and are working a system of tramways in the borough and are also working as lessees certain tramways in the borough of Bacup owned by the mayor aldermen and burgesses of that borough and it is expedient to confer further powers upon them in relation to their tramway undertaking:

A.D. 1924.

And whereas by virtue of the Act of 1907 the Corporation have certain powers of running omnibuses and it is expedient that such further powers in that behalf as are contained in this Act should be granted :

And whereas by the Rawtenstall Electric Lighting Order 1899 the Corporation were empowered to supply electricity for public and private purposes within the borough and it is expedient to make further provision with regard to their electricity undertaking :

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

And whereas the parish of Rawtenstall is co-terminous with the borough and it is expedient to make provision for the consolidation of the rates levied within the borough :

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

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

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

	£
For the provision and equipment of omnibuses - - - - -	20,000
For the purchase of lands for the purposes of the omnibus undertaking of the Corporation and for the erection of buildings thereon - - - - -	15,000

And whereas the 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 the Borough Funds Acts 1872 and 1903 have been observed :

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) :—

A.D. 1924.

PART I.

PRELIMINARY.

1. This Act may be cited as the *Rawtenstall Corporation Act 1924.* Short title.

2. This Act is divided into Parts as follows (that is to say) :—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Omnibuses and tramways.

Part III.—Electricity.

Part IV.—Streets buildings sewers drains &c.

Part V.—Consolidation of rates and rating provisions.

Part VI.—Financial provisions.

Part VII.—Miscellaneous provisions.

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

Incorporation of
Acts.

- (a) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;
- (b) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands).

4. 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 Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

Interpretation.

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

“ The borough ” means the borough of Rawtenstall;

“ The council ” means the council of the borough;

A.D. 1924.

- “The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;
- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;
- “The Order of 1899” means the Rawtenstall Corporation Electric Lighting Order 1899;
- “The Act of 1907” means the Rawtenstall Corporation Act 1907;
- “The parish” means the parish of Rawtenstall;
- “The overseers” means the overseers of the poor of the parish;
- “The poor rate” means the poor rate for the parish;
- “The consolidated rate” means the poor rate as in this Act authorised to be levied and collected;
- “The Corporation tramways” means the tramways of the Corporation within the borough and any tramways for the time being belonging or demised to or worked by the Corporation;
- “The tramway undertaking” means the tramway undertaking of the Corporation as from time to time authorised;
- “The electricity undertaking” means the electricity undertaking of the Corporation as from time to time authorised;
- “The mayor” “the town clerk” “the treasurer” and “the surveyor” mean respectively the mayor the town clerk the treasurer and the surveyor of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;
- “Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money

or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

A.D. 1924.

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

“ Revenues of the Corporation ” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

5. This Act except Part II. (Omnibuses and tramways) and so much of the provisions of other Parts of this Act as relate to that Part and except the provisions of the section of this Act the marginal note of which is “ Power to Corporation to subscribe to hospitals &c.” shall apply only within the borough.

Limits of Act.

PART II.

OMNIBUSES AND TRAMWAYS.

6.—(1) Subject to the provisions of this Act the Corporation may in addition and without prejudice to the exercise of their powers under section 66 (Power to

Power to provide and run omnibuses.

A.D. 1924. provide and run omnibuses) of the Act of 1907 provide and maintain (but shall not manufacture) and may run omnibuses within the borough and (with the consent of the Minister of Transport and the local authority of the district) along any route outside the borough Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person or the consent of the local authority is withheld the Minister of Transport may direct an inquiry to be held.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Corporation shall perform in respect of the omnibuses provided under this section such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(6) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act

1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways. A.D. 1924.

(7) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

(8) For the purposes of this Part of this Act the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road.

7.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses of the Corporation fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport. Fares and charges &c.

Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

(2) Every passenger travelling upon the omnibuses of the Corporation may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

(3) The Corporation may if they think fit convey on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be such sum as may from time to time be approved by the Minister of Transport but they shall not carry any other goods or animals.

8.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to Omnibus working and other agreements.

A.D. 1924. — any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of any Act or Acts under which such omnibus services are respectively authorised.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses.

(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such omnibus services;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this

section in relation to any omnibus service lands depôts buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent. A.D 1924.

9.—(1) The powers of running omnibuses under the provisions of this Act on any road or part of a road outside the borough may at the expiration of ten years from the date upon which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the said Minister may determine. Cesser of powers.

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

10. If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route without the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease: Determination of powers in certain events.

A.D. 1924.

Provided that this section shall not apply or have effect in the event of the failure of the Corporation to provide or to continue to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

Provision as
to adapta-
tion of
roads &c.

11.—(1) (a) Before the Corporation commence to run omnibuses under the powers of this Act over any road or part of a road it shall be determined by agreement between the Corporation and the road authority (where it is not the Corporation) or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or re-construct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or re-constructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration re-construction or strengthening.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.

(c) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or re-construction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority

on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

A.D. 1924.

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or re-construction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or re-constructed or over the bridge to be strengthened.

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or re-constructed or of any such bridge so strengthened.

(f) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge a district council shall be deemed to be the road authority.

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections of the Local Government Act 1888.

(3) If any such adaptation alteration re-construction or strengthening as aforesaid shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

A.D. 1924.

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Corporation.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

As to
bridges of
railway and
canal com-
panies.

12. Nothing in this Part of this Act shall impose any obligation upon or enlarge any obligation of any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them respectively.

Power to
reduce foot-
path for
constructing
passing
places.

13. The Corporation may for the purpose of constructing additional passing places with the consent of the local and road authorities increase the roadway of any street in which any of the Corporation tramways are laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramways by reducing the width of the footpath on each or either side of such street. Provided that no footpath shall be so reduced as to be less than six feet wide. Provided also that where any of the Corporation tramways pass in front of the entrances to any passenger or goods station or in front of the approach roads to any of the stations of the London Midland and Scottish Railway Company no additional passing place shall be made for or in connection therewith for the distance thereon extending in front of the said entrances or approach roads to such stations and for a length of ten yards at each end of such distance without the consent of the said company.

Power to
use trailer
and coupled
carriages.

14.—(1) The Corporation may provide (but shall not manufacture) maintain work and use trailer carriages and coupled carriages on the Corporation tramways under such conditions with respect to the safety of the public as the Minister of Transport may from time to time approve.

(2) The trailer carriages and coupled carriages used by the Corporation under the provisions of this section.

shall be fitted with such brakes and safety appliances as the Minister of Transport may approve and no trailer carriage or coupled carriage shall be used by the Corporation unless the design thereof has been approved by the Minister of Transport.

A.D. 1924.

(3) The number of carriages which may be used or run attached together shall not in any case exceed two.

15. If any obstruction to the traffic on any of the Corporation tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle.

Removal
of obstruc-
tions.

16. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of the Corporation tramways or any part thereof shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof.

Power for
Corpora-
tion to
suspend
traffic.

17. Notwithstanding anything contained in this Act or the Act of 1907 the Corporation may at such times and in such manner as they think fit (but subject to any byelaws for the time being in force with respect to their tramways) use the Corporation tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation.

Use for
sanitary
purposes.

18. The Corporation may run through cars along any of the routes of the Corporation tramways or any specified portion thereof and through omnibuses along

Through
cars and
omnibuses.

A.D. 1924.

any route on which the Corporation are for the time being authorised to run omnibuses and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus. Provided that during the running of such through cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

Corpora-
tion may
appoint
stopping
and
starting
places.

19. The Corporation may appoint the stations and places from which cars on the Corporation tramways and their omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may fix the time during which such cars and omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

Power to
reserve
cars for
special
purposes.

20.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars on any of the Corporation tramways or omnibuses on any route on which the Corporation are for the time being authorised to run omnibuses for any special purpose which the Corporation may consider necessary or desirable provided that such special cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as the Corporation may direct and that during the running of such special cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such cars or omnibuses by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the Corporation tramways or omnibuses run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit. A.D. 1924.

21. For the better regulation of persons desiring to travel in the cars on the Corporation tramways or in their omnibuses the Corporation may make byelaws requiring persons waiting to enter such cars or omnibuses at any stopping place or terminus upon any of their tramways or omnibus routes to wait in lines or queues and to enter such cars or omnibuses in the order in which they stood in such line or queue and in the event of the Corporation making any such byelaws they may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway. Power to require intending passengers to wait in lines or queues.

22. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their tramways and omnibus undertakings and car sheds offices and other buildings for the purposes of those undertakings and may erect maintain and let dwelling-houses for such persons and offices and other buildings for the purposes of those undertakings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertakings. Dwelling-houses for persons in Corporation's employment and other buildings.

23. The Corporation may erect and maintain within and with the consent of the local and road authorities beyond the borough sheds shelters or waiting-rooms and gangways for the accommodation of passengers on the Corporation tramways or on any omnibus routes established under the authority of this Act and may use for that purpose portions of the public streets or roads. Shelters or waiting-rooms.

24. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their tramways undertaking (including Cloak-rooms &c.

A.D. 1924. the omnibus undertaking authorised by this Act) and at any places on the routes of the Corporation tramways or any omnibus route and the Corporation may make charges for the use of such cloakrooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Lost property.

25. Any property found in any tramway car or omnibus of the Corporation or in any shelter or waiting-room in connection with their tramways or omnibus undertakings shall forthwith be handed to the conductor of the car or omnibus or be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

Attachment of signs indicating stopping places to lamp-posts &c.

26.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the Corporation tramways or of the omnibuses of the Corporation signs or directions indicating the position of stopping places for tramway cars and omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing

or belonging to any railway company except with their consent in writing. A.D. 1924.

27. The fares rates and charges authorised by this Act or by the Act of 1907 or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the Corporation tramways or omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the lists of fares rates and charges appoint. Payment of fares rates and charges.

28. Subject to the provisions of this Act the omnibus undertaking authorised by this Part of this Act shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking. Omnibuses to form part of tramway undertaking.

29. Where the Minister of Transport causes any inquiry to be held under the provisions of this Part of this Act all expenses incurred by the Ministry of Transport in relation to that inquiry shall be paid as the Minister of Transport may by order direct either by the Corporation or by any of the parties on whose representations the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister of Transport may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister of Transport to be paid shall be a debt due to the Crown. As to inquiries by Minister of Transport.

30. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws. As to bye-laws &c. under this Part of this Act.

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

A.D. 1924.

For pro-
tection of
Haslingden
Corporation.

32. For the protection of the mayor aldermen and burgesses of the borough of Haslingden the following provisions shall apply and have effect (that is to say):—

Notwithstanding anything contained in this Part of this Act none of the rights or powers thereby conferred shall be exercised within the borough of Haslingden without in every case the consent in writing of the corporation of that borough first being obtained.

For pro-
tection of
Bacup
Corporation.

33.—(1) Notwithstanding anything contained in this Act the provisions of this Part of this Act which relate to omnibuses shall not apply and the powers thereof shall not be exercised within the borough of Bacup except in pursuance of an agreement between the Corporation and the mayor aldermen and burgesses of the borough of Bacup and upon and subject to such terms and conditions as may be specified in such agreement.

(2) Notwithstanding anything contained in this Part of this Act the Corporation shall not exercise within the borough of Bacup any of the powers conferred upon the Corporation by the sections of this Act of which the respective marginal notes are “Power for Corporation to suspend traffic” “Corporation may appoint stopping and starting places” “Power to require intending passengers to wait in lines or queues” and “Attachment of signs indicating stopping places to lamp-posts &c.” without having first obtained the consent in writing of the said mayor aldermen and burgesses.

For pro-
tection of
Rams-
bottom
Urban
District
Council.

34. Notwithstanding anything contained in this Part of this Act the Corporation shall not run omnibuses along the following route (namely):—

In the urban district of Ramsbottom commencing in Bury Road at the point at which the boundary of the borough crosses that road passing along Burnley Road and Market Street and terminating at the junction of Market Street with Rochdale Road and Bury Road in the said urban district.

without first obtaining the consent in writing of the urban district council of Ramsbottom or otherwise than in accordance with any such consent.

35. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company :—

A.D. 1924.
—
For protection of London Midland and Scottish Railway Company.

Notwithstanding anything contained in this Part of this Act no shed shelter waiting-room gangway cloakroom or room barrier or post shall be erected maintained or provided nor shall any starting or stopping station or place be appointed nor shall the Corporation require persons waiting at any such stopping place or any terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or exit from any station or depôt belonging to the company nor shall any such shed shelter waiting-room gangway cloakroom room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the Company or on the approaches to any such bridge.

PART III.

ELECTRICITY.

36. The Corporation may in or under any street repairable by the inhabitants at large and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and the Order of 1899 construct and maintain substations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a petty sessional court who shall have power to allow the construction and maintenance of such substations transforming stations and works subject to such terms and conditions as they may think

Power to construct electrical substations under streets.

[Ch. x.] *Rawtenstall Corporation* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924. reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid Provided also that no such substations transforming stations or other works shall be constructed within a distance of twenty-five yards of the railway of the London Midland and Scottish Railway Company except with the consent in writing of that company or so as to interfere with or render less convenient the access to or exit from any station or depôt of that company.

Byelaws as to wires apparatus and fittings.

37. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section No byelaw made under this section shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to or used by the London Midland and Scottish Railway Company.

Attachment of brackets &c. to buildings.

38. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street in the area of the Corporation for the supply of electricity Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building but any attach-

A.D. 1924.

ments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court shall have the same powers as under proviso (1):

- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any re-construction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

39.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Further powers as to entry upon premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

40.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken on extraordinary occasions or as a standby supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to

As to maximum power which may be demanded.

A.D. 1924.

be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Provisions
as to
supply of
electricity
by agree-
ment.

41. If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement:

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

Period of
error in
defective
meters.

42.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Power to
recover
charge for
re-connec-
tion.

43. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

44. The Corporation may in connection with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

A.D. 1924.
As to
offices
showrooms
&c.

PART IV.

STREETS BUILDINGS SEWERS DRAINS &C.

45.—(1) Before placing or erecting any hoarding 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 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 or fence proposed to be so placed or erected.

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

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets of the borough 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 or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding forty shillings and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) (a) Any person deeming himself aggrieved by any requirement prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval appeal to a court of summary jurisdiction and such court may and is hereby

A.D. 1924.

empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Height of
fences and
hedges at
street
corners.

46.—(1) For the purpose of facilitating traffic by removing obstructions to view the Corporation may give notice to the owner of any land situate at the corner of any street prescribing the height of fences boundary walls hedges trees and shrubs at such corner or within such distance from the corner as may be prescribed in the notice and thereupon the following provisions shall have effect :—

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence or wall or permit a hedge tree or shrub to grow at a greater height than that prescribed contrary to the requirements of the notice ;

(b) If required by the Corporation the owner of such land shall reduce the height of any fence wall hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may reduce the height of such fence wall hedge tree or shrub to the height prescribed by them and the expense incurred by the Corporation shall be repaid to them by the owner of the land.

(3) If any person for the period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may themselves carry out the requisition of their notice.

(4) The Corporation shall make compensation to the owner or other persons interested in any land for any loss or damage which he or they may sustain in consequence of the giving of any notice under this section but such compensation shall not include the expenses incurred by the Corporation and to be repaid to them under subsection (2) of this section and no compensation shall be

paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice.

A.D. 1924.

(5) Any person aggrieved by any notice given by the Corporation under this section may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(6) The owner of the land shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any notice of the Corporation under this section.

47. Section 126 (Trees or shrubs overhanging streets and footpaths) of the Act of 1907 shall be read and have effect as if after the words "doing no unnecessary damage" the words "and may recover the reasonable cost of so doing from the owner or occupier upon whom the notice was served" were inserted therein.

Amendment
of section
126 of Act
of 1907.

48. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

Byelaws
as to
alterations
to old
buildings.

49. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively :

Laying out
of streets
by Corpora-
tion.

A.D. 1924.

Provided always that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street.

Adjust-
ment of
boundaries
of streets.

50.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land.

(2) No agreement which provides that land forming part of a street shall be given up 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 if during such period of one month four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this subsection.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation as to an adjustment of the boundaries of a street under this section which provides that land forming part of a street shall be given up and on any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Adjust-
ment of
boundaries
of estates.

51.—(1) The Corporation may for the purposes of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the

removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for the purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or land be determined on the application of the Corporation or any person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement determined by arbitration as aforesaid provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on

A.D. 1924.

such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister of Health and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

As to
projections
over streets.

52.—(1) Every notice board sign bracket or other projection which shall overhang any street shall be securely fixed and maintained by the owner thereof.

(2) If the Corporation have reason to believe that any such notice board sign bracket or other projection is not securely fixed they may enter upon the premises to which it is attached for the purpose of inspecting the same and the means by which it is attached.

(3) In the event of any such notice board sign bracket or other projection being insecurely fixed the Corporation may require the owner to fix the same securely within a period of seven days from the receipt of notice of such their requirement and in default of his so doing the Corporation may themselves carry out the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

Fire
alarms.

53. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the borough as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Street
orderly bins.

54. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or cinder in upon or under the streets of the borough of such dimensions and in such positions as the Corporation may from time to time determine.

As to
erection of
retaining
walls.

55.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

A.D. 1924.

56. Section 23 (Extension of 38 & 39 Vict. c. 55. s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Area of habitable rooms.

57. The Corporation may make byelaws with respect to—

Byelaws as to erection of dwelling-houses under continuous roof.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space.

58. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Powers on inspection.

59.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or

Restriction on erection of temporary stands &c.

A.D. 1924. structure and for securing the safety of persons to be accommodated thereon.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Building upon banks of streams.

60.—(1) No person shall erect any building upon or cover over the banks of any stream or watercourse within the borough or either of such banks within the limits of a width of twelve feet from such stream or watercourse or such less width as may be prescribed by the Corporation except in any case with the consent of the Corporation and in accordance with plans and sections to be submitted to and approved by them.

(2) The approval by the Corporation of plans and sections under subsection (1) of this section shall not be withheld or delayed unreasonably and any difference that may arise as to whether such approval is withheld or delayed unreasonably or as to the width to be prescribed as aforesaid shall be determined by arbitration under the Arbitration Act 1889.

(3) Any person acting in contravention of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) In any case in which the Corporation withhold their consent under this section they shall pay compensation to the owner of the land desirous of so building upon or covering over the banks of such stream or watercourse.

(5) The provisions of this section shall not apply to any stream or watercourse upon any lands of the mayor aldermen and burgesses of the borough of Bacup held by them for the purposes of their water undertaking or to the banks of any such stream or watercourse.

Penalty for throwing rubbish into streams.

61. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any river stream or brook within the borough so as to interfere with the due flow of such river stream or brook shall be liable to a penalty not exceeding forty shillings.

Water-courses to be culverted

62.—(1) If any watercourse or ditch situate upon any land in the borough laid out for building or on which

any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such lands to substitute for such watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water thereinto Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building.

A.D. 1924.

—
in certain cases.

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

63.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or watercourse within the borough except in accordance with plans and sections to be submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings :

Streams not to be covered over obstructed or diverted except in accordance with plans.

Provided that—

- (a) no requirement of the Corporation in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;
- (b) if with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed

A.D. 1924. — under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) The provisions of this section shall not apply to any stream or watercourse upon any lands of the mayor aldermen and burgesses of the borough of Bacup held by them for the purposes of their water undertaking.

Owners to
repair and
clean
culverts.

64. The owner of any culvert made before or after the passing of this Act over any watercourse shall from time to time repair maintain and cleanse the same and if any such owner fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse his culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance of or may cleanse such culvert and the expenses thereby incurred as certified by the surveyor shall be repaid to them by the owner.

Prohibiting
entry of
petroleum
spirit &c.
into sewers.

65.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2) In this section the expression “ petroleum spirit ” means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule I. to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit’s thermometer.

Saving for
London
Midland
and
Scottish
Railway
Company.

66. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the London Midland and Scottish Railway Company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by the said company for the purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament nor shall the Corporation in

the exercise of the powers of this Part of this Act interfere with or render less convenient the access to or exit from any station or depôt belonging to the said company. A.D. 1924.
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PART V.

CONSOLIDATION OF RATES AND RATING PROVISIONS.

67. This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and twenty-five. Commence-
ment of this
Part of this
Act.

68.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund and general district rate or either of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a referencé to the borough fund and the borough rate. All expenses
of Corpora-
tion to be
paid out of
borough
rate.

(2) The district fund shall be closed and any balance which on the date upon which this Part of this Act comes into operation is standing to the credit or the debit of the district fund or of the general district rate respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or of the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

(3) The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

A.D. 1924.

Contribution
to borough
rate to be
paid out of
poor rate.

69. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution.

Poor rate
to be
called "the
consolidated
rate."

70. The poor rate (inclusive of the contributions to the borough rate levied in pursuance of the provisions of this Act) shall be called "the consolidated rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Rating of
owners
instead of
occupiers.

71.—(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the consolidated rate—

- (a) where the rateable value of the property does not exceed eight pounds or such other limit of value as shall be substituted by or under any Act of Parliament for the limit of eight pounds mentioned in section 3 of the Poor Rate Assessment and Collection Act 1869; or
- (b) where the premises are let in separate apartments; or
- (c) where the rents are collected weekly:

Provided that—

- (i) where the rateable value of the property does not exceed eight pounds or such other limit of value as shall be substituted as aforesaid the owner so rated shall be entitled to a deduction of fifteen per centum from the amount of the rate when paid by him if he shall pay the same within such period as the Corporation may determine not being less than three months after the rate has been demanded;
- (ii) where the owner of any premises referred to in this subsection is willing to enter into an agreement to pay the rates whether the premises are occupied or not the Corporation may make a further allowance not exceeding fifteen per centum from the amount of the

rate when paid by him within such period as the Corporation may determine not being less than three months after the rate has been demanded.

A.D. 1924.

(2) When the Corporation exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the currency of any such notice the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869.

72. The provisions contained in this section shall have effect with respect to the consolidated rate to be made and levied by the overseers (that is to say) :—

Differential
rating in
certain
cases.

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of seventy per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(2) Provided that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say) :—

“The owner of tithe rentcharge attached to a benefice shall be liable to pay only four-sevenths of the amount payable under subsection (1) of the section of the Rawtenstall

A.D. 1924.

Corporation Act 1924 of which the marginal note is 'Differential rating in certain cases' in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining three-sevenths thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant":

(3) Provided also—

- (a) that during the continuance of the Agricultural Rates Act 1896 and of the Agricultural Rates Act 1923 the occupier of any agricultural land as defined in the first-named Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of one-fourth only (instead of seventy per centum) of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section; and
- (b) that in the event of the Agricultural Rates Act 1923 being discontinued during the continuance of the Agricultural Rates Act 1896 such occupier shall as from such discontinuance and during the continuance of such last-mentioned Act be liable to pay in each year in respect of such land a rate calculated on the basis of two-fifths only instead of seventy per centum of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:

(4) Nothing in this section shall in any way affect—

- (a) the share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or
- (b) the operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half-year after the commencement of this Part of this Act

the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923;
or

- (c) the operation of the Ecclesiastical Tithe Rent-charges (Rates) Acts 1920 and 1922; or
 - (d) the amount of the contribution for any purposes to be made by the parish out of the poor rate;
or
 - (e) the calculation of the amount in the pound of the part of the consolidated rate levied for the purposes of the relief of the poor and other expenses of the guardians county contributions and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate :
- (5) (a) If any occupier referred to in subsection (1) of this section claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers ;

(b) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

73. The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate shall be in such form as the Minister of Health may from time to time prescribe.

Form
rate &c.
to be
prescribed
by Minister
of Health.

A.D. 1924.

As to
recovery
of con-
solidated
rate.

74. No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

Discount
on con-
solidated
rate.

75. The Corporation may from time to time if they think fit direct the overseers to make an allowance by way of discount not exceeding five per centum on the amount due in respect of any consolidated rate from every person who pays the same within such time after demand of the rate as the Corporation shall prescribe and in any such case the overseers shall make such allowance accordingly :

Provided that such discount shall be at the same rate under like circumstances to all persons :

Provided also that notice of this enactment shall be endorsed on every demand note for rates.

As to
section 133
of Lands
Clauses Con-
solidation
Act 1845.
Overseers
may require
returns.

76. For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor rate shall be deemed to be three-fifths of the amount in the pound of the consolidated rate.

77.—(1) The overseers of the parish may require the owner or occupier or reputed owner or occupier of any hereditament in the parish (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the schedule to this Act and containing the particulars therein mentioned or referred to :

Provided that (except for purposes connected with the preparation of and preliminary to a general re-valuation for rating) the powers conferred by this section shall only be exercised :—

- (a) Upon any change in the occupation or ownership of any hereditament; or
- (b) Upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or

(c) In the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section. A.D. 1924.
—

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after the service of the order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers shall whenever required by the assessment committee of the Haslingden Poor Law Union permit the duly authorised officer of such committee to have access to the returns or any of them obtained by the overseers under the provisions of this section for the purpose of inspecting the same and making copies thereof.

(4) Nothing in this section shall require any railway company to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations or any hereditament therein.

78.—(1) Any assistant overseer appointed by the Corporation and all officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians. As to
assistant
overseers.

(2) Assistant overseers appointed by the Corporation shall not be required to give security to the guardians of the Haslingden Poor Law Union under section 61 of the Poor Law Amendment Act 1844.

79.—(1) Section 221 of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the overseers were an urban authority and the rate therein mentioned were the consolidated rate. Amend-
ment of
con-
solidated
rate.

(2) The powers of section 221 of the Public Health Act 1875 as applied to the consolidated rate by subsection (1) of this section shall extend to enable the over-

A.D. 1924.

seers to amend any rate made by them so as to make the assessment to such rate accord with any new or supplementary valuation list during the currency of such rate.

Borough rate may include working balance.

80. The purposes to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of the powers and duties the cost of which is charged on the borough fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance.

PART VI.

FINANCIAL PROVISIONS.

Power to borrow.

81.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be “the prescribed period”) mentioned in the fourth column thereof (namely) :—

1.	2.	3.	4.
Purpose.	Amount.	Charge	Period for Repayment.
(a) For the provision of omnibuses.	£ 20,000	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Eight years from the date or dates of borrowing.

A.D. 1924.

1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(b) For the purchase of lands and the erection of buildings for the purposes of the tramways and omnibuses of the Corporation.	£ 15,000	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Thirty-five years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite	The borough fund and borough rate.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part II. (Omnibuses and tramways) of this Act and with the consent of the Electricity Commissioners such further money as may be necessary for any of the purposes of Part III. (Electricity) of this Act and with the consent of the Minister of Health such further money as may be necessary for any of the other purposes of this Act.

(b) The Corporation may also borrow such further moneys as may be necessary for the purpose of providing a fund for working capital—

- (i) as respects the tramway undertaking or the omnibus undertaking authorised by this Act with the consent of the Minister of Transport;
- (ii) as respects the electricity undertaking with the consent of the Electricity Commissioners;
- (iii) as respects any undertaking with respect to which any deficiency is required to be defrayed out of any fund for which a rate is leviable by or under the direction of the Corporation (other than any account relating to the tramway omnibus or electricity undertakings) with the consent of the Minister of Health.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is

A.D. 1924. — borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(d) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister or Commissioners with whose consent the money is borrowed.

(3) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 227 (Power to use one form of mortgage for all purposes) of the Act of 1907.

Certain provisions of Public Health Acts not to apply.

82. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Application of provisions of Act of 1907.

83. The following provisions of the Act of 1907 shall with the necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely) :—

- Section 222 (Mode of raising money);
- Section 223 (Provisions of Public Health Act as to mortgages to apply);
- Section 224 (Appointment of receiver);
- Section 227 (Power to use one form of mortgage for all purposes);
- Section 228 (Mode of payment off of money borrowed);
- Section 229 (Sinking fund) Provided that the said section shall be read and have effect as if the words "three pounds ten shillings per centum per annum or such other rate as the Minister of Health may approve" were inserted in subsection (1) (b) of that section

instead of the words "three per centum per annum" and as if the Minister of Health were referred to therein in lieu of the Local Government Board; A.D. 1924.

- Section 230 (Protection of lender from inquiry);
Section 231 (Corporation not to regard trusts);
Section 234 (Annual return to Local Government Board with respect to sinking fund)
Provided that the said section shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board :

Provided that the periods for repayment referred to in or prescribed under the section of this Act the marginal note of which is "Power to borrow" shall respectively be deemed to be "the prescribed period" for the purposes of such application of the said sections.

84.—(1) The Corporation shall have power—

Power to re-borrow.

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or
(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund

A.D. 1924. — or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application
of money
borrowed.

85. All money borrowed under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable.

Tramway
electricity
and markets
revenue and
expenses.

86. As from the first day of April nineteen hundred and twenty-five all money received by the Corporation on account of the revenue of their (a) tramway undertaking (b) electricity undertaking and (c) markets undertaking (including the interest on any reserve fund by this Act authorised in connection with either of those undertakings when such fund amounts to the prescribed maximum) shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of each of those undertakings (including any deficiency in any year of the income of the said undertakings not answered out of any reserve fund) shall be paid out of the borough fund.

Separate
accounts
in respect
of certain
under-
takings.

87. As from the first day of April nineteen hundred and twenty-five the Corporation shall keep their accounts so as to distinguish capital from revenue and as regards the revenue accounts to show under a separate heading or division in respect of each of the following undertakings (that is to say) the tramways undertaking the electricity undertaking and the markets undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments

and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say) :—

- (a) The working and establishment expenses and cost of maintenance of the undertaking ;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking ;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking ;
- (d) All other expenses (if any) of maintaining the undertaking ;
- (e) The amount (if any) paid to a reserve fund which the Corporation are hereby authorised to maintain (if the Corporation think fit) in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding (except in the case of the tramway undertaking) a sum equal to one-fifth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

88. As from the first day of April nineteen hundred and twenty-five the following enactments shall be repealed namely :—

The Order of 1899—

Section 52 (Application of revenue) ;

Repeal of existing provisions as to tramway and electricity

A.D. 1924;

revenue and
deficiencies.

The Act of 1907—

Section 54 (Application of tramway revenue);

Section 80 (Expenses and revenue under this
Part of Act).As to
deficiencies
in tramway
under-
taking.

89. As regards so much of any deficiency in the revenue of the tramway undertaking paid or required to be paid by the Corporation out of the borough fund as may arise in respect of any portion of that undertaking outside the borough the Corporation shall and they are hereby required to allow or repay to the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance a sum equivalent to three-fourths of so much of the deficiency as shall arise as aforesaid as the said occupiers respectively shall be liable to pay or shall have paid by reason and in respect of their assessment to the borough rate and in order to give effect to this section the Corporation shall keep separate accounts of receipts and expenditure in connection with so much of the tramway undertaking as is outside the borough and such accounts shall at all reasonable times be open to the inspection of the railway company occupying any such land and their officers.

As to
reduction
of charges
for
electrical
energy.

90. If the net surplus of the electricity undertaking remaining in any year exceed five per centum per annum upon the aggregate capital expenditure upon the said undertaking the Corporation shall make such a rateable reduction of the charge for the supply of electrical energy as in their judgment will reduce the surplus to that maximum rate of profit.

Expenses of
execution
of Act.

91. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the borough fund and borough rate.

PART VII.

MISCELLANEOUS PROVISIONS.

Byelaws
as to
wires &c. in
connection
with

92. The powers of the Corporation with reference to the making of byelaws under Part II. (Telegraph &c. wires) of the Public Health Acts Amendment Act 1890 are hereby extended so as to enable the Corporation from time to time to make alter and repeal byelaws for the

prevention of danger or obstruction to the public from posts wires tubes aerials or any other apparatus in connection with or for the purposes of wireless telegraphy or telephony installations stretched or placed whether before or after the passing of this Act above over along or across any street in the borough or in such position above or over any building or other erection or garden or other place in the borough as to be liable to fall on to any street Nothing in such byelaws shall extend to or include any apparatus belonging to a railway company and used by them in connection with their business.

A.D. 1924.

—
wireless
installa-
tions.

93. The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882 reasonable subscriptions (whether annual or otherwise) to the funds of any association of municipal corporations or of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation (not exceeding in any case four) at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

Power to
Corpora-
tion to
apply funds
towards
associations
institutions
&c.

94. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary dispensary or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the borough rate and to charge the amount of any such subscriptions to or apportion the same among all or any of their funds and revenues.

Power to
Corporation
to subscribe
to hospitals
&c.

95. Notwithstanding anything contained in the Second Schedule of the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Service of
summons
on members
of Council.

[Ch. x.] *Rawtenstall Corporation* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.

Power to enter premises.

96. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part IV. (Streets buildings sewers drains &c.) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

97. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part IV. (Streets buildings sewers drains &c.) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Confirmation of byelaws.

98. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act other than byelaws made under Part II. (Omnibuses and tramways) and Part III. (Electricity) thereof and under the section of this Act the marginal note of which is "Byelaws as to wires &c. in connection with wireless installations."

As to appeal.

99. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval

of or by the Corporation or of or by any officer of the Corporation under the provisions of Part IV. (Streets buildings sewers drains &c.) of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided 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 made by a court of summary jurisdiction the Corporation may in like manner appeal.

A.D. 1924.

100. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by
Minister of
Transport.

101. The following provisions of the Act of 1907 shall with the necessary modifications extend and apply to the exercise of the powers of this Act as if the same were enacted in this Act namely:—

Application
of further
provisions
of Act of
1907.

Section 245 (Inquiries by Local Government Board)
Provided that the said section shall be read and have effect as if the Minister of Health were referred to therein in lieu of the Local Government Board and as if the word "five" were substituted for the word "three" in subsection (2) of that section;

Section 247 (Authentication and service of notices &c.);

Section 248 (Informations by whom to be laid);

Section 249 (Compensation how to be determined);

Section 250 (Compensation may be in land);

Section 251 (As to breach of conditions of consent of Corporation);

Section 252 (Consent of Corporation to be in writing);

Section 254 (Recovery of penalties);

A.D. 1924.

- Section 255 (Penalties to be paid over to treasurer);
- Section 256 (Damages and charges to be settled by court);
- Section 257 (In executing works instead of owner Corporation only liable for negligence);
- Section 258 (Evidence of appointments authority &c.);
- Section 259 (Saving for indictments &c.);
- Section 260 (Recovery of demands);
- Section 261 (Application of section 265 of Public Health Act 1875);
- Section 262 (Judges not disqualified);
- Section 263 (Audit of accounts);
- Section 265 (Powers of Act cumulative).

Repeal.

102. The following provisions of the Act of 1907 are hereby repealed:—

- Section 157 (Street orderly bins);
- Section 226 (Separate account of omnibus undertaking to be kept);
- Section 232 (Power to re-borrow).

Crown rights.

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

Costs of Act.

104. 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 Corporation out of the borough fund and borough rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act. A.D. 1924.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER
 PARTICULARS TO BE RENDERED UNDER THE
 RAWTENSTALL CORPORATION ACT 1924.

<p>1. Name of the street or road &c. in which the property is situate - Number of the house - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - The quantity of land (if any) and how used - - - -</p>	
<p>2. Full Christian name and surname of occupier - - - -</p>	
<p>3. Name and address of owner or immediate lessor - - - (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	
<p>4. Whether the property is occupied— (a) Wholly as a private residence - - - - (a) or (b) Partly as a dwelling-house and partly for trade or business purposes - - - (b) or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - (c) (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) (d)</p>	

A.D. 1924.

<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - -</p>	
<p>6. Amount of rent - - - - or If ground rent only is paid state its amount - - - -</p>	<p>£ per £ per</p>
<p>7. Whether the property is held under lease or agreement for a period of years - - - - or By the year quarter month or week - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated. i.e. the amount at which the property is worth to be let by the year the owner keeping it in repair - - - -</p>	<p>} Annual value £</p>
<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 - (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the (b) £ . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - -</p>	

A.D. 1924.

12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - -

(If each undertakes to bear part only of the cost of repairs state the particulars.)

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

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