

**CHAPTER cii.**

An Act to confer further powers upon the mayor
aldermen and burgesses of the borough of Black-
pool for the construction of street improvements
and tramways and the running of omnibuses
to enlarge their powers in regard to their tram-
way gas and electricity undertakings and to
make further provision with respect to the health
local government and improvement of the
borough and for other purposes.

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[7th August 1925.]

WHEREAS it is expedient to empower the mayor
aldermen and burgesses of the borough of Black-
pool (in this Act called "the Corporation") to construct
street improvements tramways and other works to
enlarge their powers for the running of omnibuses and to
make further provision with reference to their tramway
gas and electricity undertakings :

And whereas it is expedient to confer further powers
upon the Corporation in relation to the health local
government and improvement of 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 :

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And whereas estimates have been prepared by the Corporation for the following purposes (that is to say) :—

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The construction of the new street and street improvements authorised by this Act and the purposes of the sections of this Act whereof the marginal notes are respectively "Highway depôt" and "Transport depôt" together with approaches roads footpaths works and conveniences in connection therewith -	68,460
The diversion and culverting of the Spen Dyke authorised by this Act -	9,000
The construction of the tramways authorised by this Act - - -	25,350
The electrical equipment of such tramways - - - - -	1,750
The provision of omnibuses - -	30,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act :

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 :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present

Parliament assembled and by the authority of the same A.D. 1925.
as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Blackpool Improvement Act 1925 and the Blackpool Improvement Acts 1853 to 1920 the Blackpool (Rates) Order 1923 which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 6) Act 1923 the Blackpool Order 1924 which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1924 the Blackpool Order (No. 2) 1924 which was confirmed by the Ministry of Health Provisional Order Confirmation (Blackpool Order) Act 1925 and this Act may be cited as the Blackpool Improvement Acts 1853 to 1925.

Short and
collective
titles.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street improvements and other works.

Part IV.—Tramways and omnibuses.

Part V.—Gas and electricity.

Part VI.—Streets buildings sewers and drains.

Part VII.—Infectious disease and sanitary matters.

Part VIII.—Police and hackney carriages.

Part IX.—Finance and rating.

Part X.—Miscellaneous.

3. The following Acts and parts of 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 (namely) :—

Incorpora-
tion of Acts.

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of

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superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

- (2) Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 except the words in the said section 19 “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages.”

Interpreta-
tion.

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

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

- (a) “The borough” means the county borough of Blackpool;
- (b) “The Corporation” means the mayor aldermen and burgesses of the borough of Blackpool;
- (c) “The mayor” and “the council” mean respectively the mayor and the council of the borough;
- (d) “The town clerk” “the treasurer” “the surveyor” “the medical officer” “the school medical officer” and “the sanitary inspector” mean respectively the town clerk the treasurer the surveyor the medical officer of health the school medical officer and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;
- (e) “Seashore” includes the seashore and beach above and below high-water mark;

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- (f) “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough;
- (g) “The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- (h) “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;
- (i) “Child” means a person under the age of sixteen years;
- (j) “Infectious disease” includes any disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;
- (k) “Food” includes every article (other than water or drugs) used for food or drink by man;
- (l) “Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;
- (m) “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday;
- (n) “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;

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- (o) "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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- (p) "The Act of 1901" "the Act of 1917" and "the Act of 1920" mean respectively the Blackpool Improvement Act 1901 the Blackpool Improvement Act 1917 and the Blackpool Improvement Act 1920;
- (q) "Local enactment" includes this Act and any local Act Provisional Order byelaw or regulation for the time being in force within the borough.

PART II.

LANDS.

Acquisition
of lands.

5. Subject to the provisions and for the purposes of this Act (including the provision of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to
enter upon
property for
survey and
valuation.

6. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

7. In estimating the amount of compensation or purchase money to be paid by the Corporation under this Act the benefits (if any) accruing to the person to whom the same shall be paid by reason of the construction of any new street or of the widening or improvement of any existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

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Benefits to be set off against compensation.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease on the first day of October nineteen hundred and twenty-eight.

Period for compulsory purchase of lands.

9. For the protection of the Imperial Hydropathic Hotel Company (Blackpool) Limited (hereinafter called "the company") the following provision shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

For protection of Imperial Hydropathic Hotel Company (Blackpool) Limited.

Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act purchase or acquire otherwise than by agreement any part of the lands belonging to the company.

10. For the protection of William Smith the following provision shall unless otherwise agreed between the Corporation and William Smith apply and have effect (that is to say):—

For protection of William Smith.

Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act purchase or acquire otherwise than by agreement any part of the lands belonging to William Smith.

PART III.

STREET IMPROVEMENTS AND OTHER WORKS.

11.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter referred to together with all necessary or proper works improvements junctions connections approaches embankments retaining walls sewers drains and conveniences connected therewith or incident thereto.

Power to construct street improvements and diversion of Spen Dyke.

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(2) The works hereinbefore referred to and authorised by this section will be situate in the borough and are—

Work No. 1 A widening and improvement of Squire's Gate Lane on the north side thereof from Abbey Road to Lytham Road :

Work No. 2 A new street commencing on the east side of Waterloo Road at its junction with Hawes Side Lane and proceeding in a northerly direction for 102 yards or thereabouts :

Work No. 3 A widening and improvement of Waterloo Road on the east side thereof between Hawes Side Lane and Rectory Road and on the west side at its junction with Bloomfield Road :

Work No. 4 A diversion and culverting of Spen Dyke commencing by a junction with the existing culvert at Waterloo Road and terminating by a junction with the existing dyke at Daggers Hall Lane :

Work No. 5 A footpath in continuation of Eaves Street from Warbreck Road to Queen's Drive :

Work No. 6 A widening and diversion of Warbreck Hill Road commencing in the Bispham Road at a point 267 yards or thereabouts north of the Bispham Station level crossing and terminating at the junction of Warbreck Hill Road and Devonshire Road (otherwise called Brockholes Road).

Limits of deviation.

12. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards.

Highway depôt.

13.—(1) When the Corporation have acquired the land shown on the deposited plans situate at and near to the junction of the Bispham Road with the Poulton and Garstang Road in the borough and in the parish of Carleton in the rural district of Fylde or any part thereof they may appropriate lay out and use the same for the reception and storage of materials vehicles and things used for or in connection with the repair of streets and

roads the construction and repair of works and buildings and for the purposes of any powers and duties of the Corporation and may make and maintain approaches roads footpaths works and conveniences in connection therewith : A.D. 1925.
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(2) Provided that—

(a) So long as the said land is used by the Corporation for the purposes aforesaid no approach road thereto shall be made so as to open on to the Poulton and Garstang main road so far as such road is situate outside the borough ;

(b) No refuse destructor shall at any time be constructed or permitted to be on the said land.

14. Except so far as may be otherwise agreed in writing between the Corporation and Joseph Fielding & Sons (Blackpool) Limited (who are in this section referred to as " the owners ") the following provisions shall apply and have effect (that is to say) :—

As to property of Joseph Fielding & Sons (Blackpool) Limited.

(1) The compulsory powers for the acquisition of lands contained in this Act shall not apply to the estate and interest of the owners in the lands situate in the borough and numbered 151 152 153 154 155 156 and 158 on the deposited plans :

(2) For the purpose of the widening and diversion of Warbreck Hill Road (Work No. 6 authorised by this Act and in this section called " the said work ") so far as the same is intended to be constructed on the lands of the owners the provisions hereinafter contained shall apply and have effect :

(3) The owners shall if within three months from the passing of this Act the Corporation shall request them so to do convey to the Corporation in fee simple in possession free from incumbrances and without payment therefor so much of the owners' estate as lies within the lines marked " Improvement line " on the plan approved by the owners' surveyor and signed by him for and on behalf of the owners and by the

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surveyor for and on behalf of the Corporation as will be necessary for the purpose of the said work and extending from the easterly boundary to the westerly boundary of the owners' estate and the Corporation shall take up their conveyance of the land to be acquired by them from the owners within six months of the passing of this Act otherwise all their powers to acquire the same and for the construction of the said work on the owners' estate shall lapse :

- (4) The said work shall be constructed within the said lines marked "Improvement line" on the said plan and in accordance with such levels as are shown on sections approved by the owners' surveyor and signed by him for and on behalf of the owners and by the surveyor for and on behalf of the Corporation. The said work shall be constructed by the Corporation at their own cost in the first instance and shall subject to subsection (3) of this section be completed within three years from the passing of this Act. The building lines of any buildings to be erected on either side of the said work shall be as shown on the said plan. The width of the carriageway of the said work shall be thirty feet and the width of the footpath on either side shall be fifteen feet and shall be constructed as follows: A twelve-inch stone kerb, a grass verge seven feet six inches wide and a flagged footpath six feet six inches wide. Provided that opposite to the entrance gate of every house or other building erected on and fronting to the said work a flagged footway shall be constructed over the whole of the footpath to the kerb and the said work shall afterwards be kept in repair by and at the cost of the Corporation. The Corporation shall be at liberty at any time at their own cost to widen the carriageway and for that purpose to appropriate the grass verge on each side of the said work. The Corporation shall provide (when and where required by the owners and on payment by them of half the cost thereof) crossings for motor cars

over the said footpaths and make provision for junctions with the said work over such intersecting streets as may be required by the owners. The Corporation shall not plant any trees or erect or place any pole post or other obstruction on the said work which will interfere with the reasonable means of access from the roadway to the gateways of houses abutting thereon or the user of the said crossings : A.D. 1925.

(5) The Corporation shall—

(a) Before commencing the construction of the said work erect a spruce post and rail fence with sufficient gates and posts on the said lines marked "Improvement line" on either side of the said work where required ;

(b) In excavating the site remove the clay therefrom and deposit the same on the owners' land on the south side thereof if so required by the owners :

(6) (a) Towards the cost of the said work the owners shall only be liable for and repay the Corporation one-fifth of the cost thereof (in any case not to exceed one-fifth of six pounds five shillings per lineal foot measuring along the whole length of the said work) In arriving at such cost the whole of the cost of the sewer and of laying the same from the easterly to the westerly boundary of the owners' estate shall be borne by the Corporation and if it shall be necessary for the Corporation to remove the existing water main of the Fylde Water Board lying under any portion of the site of the said work the cost thereof shall be borne wholly by the Corporation ;

(b) The owners shall not be required to pay the whole of their share of the said work on the completion of the same but only as and when any part of their land abutting thereon is sold for building or other purposes or let for a term of over five years on the happening of any of which events the owners shall pay to the Corporation from time to time such proportion

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of the whole amount payable by them as the frontage of the land sold or let as aforesaid bears to the total frontage of the said work for which they are liable. As from the expiration of ten years from the date of the passing of this Act (provided only that the said work shall be completed within three years from the passing of this Act) the owners shall pay interest on the whole of their share of the street making expenses or the balance thereof remaining unpaid as the case may be at the rate of five pounds per centum per annum by half-yearly payments but the total amount for which the owners are liable shall be paid to the Corporation (subject to the said work being completed as aforesaid) within fifteen years from such last-mentioned date :

Provided always that the times for payment of interest as aforesaid and for the cost of the said work shall be postponed for such period as the time of completion of the said work shall extend beyond three years from the passing of this Act.

Any sums owing by the owners at any time after the completion of the said work shall be a charge on the lands in respect of which the said expenses were incurred (limited as to the time of payment or recovery as hereinbefore provided) and such charge (subject as aforesaid) shall without prejudice to any other remedies for recovery thereof be enforceable against the said hereditaments and the owners thereof in the same manner as expenses under section 150 of the Public Health Act 1875 are recoverable :

- (7) If any difference shall arise between the Corporation and the owners as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder the same shall be referred to an arbitrator to be appointed failing agreement between the parties by the President of the Surveyors' Institution and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

15. Except so far as may be otherwise agreed in writing between the Corporation and John Robert Fielding (who is in this section referred to as "the owner") the following provisions shall apply and have effect (that is to say) :—

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As to pro-
perty of
John Robert
Fielding.

- (1) The compulsory powers for the acquisition of lands contained in this Act shall not apply to the estate and interest of the owner in the lands situate in the borough and numbered 159 on the deposited plans :
- (2) For the purposes of the widening and diversion of Warbreck Hill Road (Work No. 6) authorised by this Act (in this section called "the said work") so far as the same is intended to be constructed on the lands of the owner the provisions hereinafter contained shall apply and have effect :
- (3) The owner shall if within three months from the passing of this Act the Corporation shall request him so to do convey to the Corporation in fee simple in possession free from incumbrances and without payment therefor a strip or piece of land sixty feet in width extending from the junction of Warbreck Hill Road with Devonshire Road (sometimes called Brockholes Road) to the eastern boundary of the owner's land and the Corporation shall take up their conveyance of such strip or piece of land within six months of the passing of this Act otherwise all their powers to acquire the same and for the construction of the said work shall lapse :
- (4) The said work shall without interfering with any existing building of the owner be constructed within the lines marked "Improvement line" and in accordance with such levels as are shown on the plan and sections approved by the owner's surveyors and respectively signed by them for and on behalf of the owner and by the surveyor for and on behalf of the Corporation :
- (5) The owner shall at his own cost roughly excavate the site of the Work No. 3 authorised by section 20 of the Act of 1920 to the levels

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shown on the estate plan prepared by the owner's surveyors and approved by the Corporation the intention being that the Corporation shall not be called upon to bear the cost of any additional excavation necessary in consequence of the variation in levels as shown on the deposited plans and sections for the Act of 1920 and the signed plan and sections hereinbefore referred to. The building lines of the buildings shall be as shown on the said estate plan:

- (6) The said work shall be constructed by the Corporation at their own cost in the first instance and shall subject to subsection (3) hereof be completed within three years from the passing of this Act:
- (7) The width of carriageway of the said work shall be thirty feet and the width of a flagged footpath on each side six feet six inches with a stone kerb twelve inches wide and with a grass verge of seven feet six inches wide between the carriageway and the footpath on each side. Provided that opposite to the entrance gate of every house or other building erected on and fronting to the said work a flagged footway shall be constructed over the whole of the footpath to the kerb and the said work shall afterwards be kept in repair by and at the cost of the Corporation. The Corporation shall be at liberty at any time at their own cost to widen the carriageway and for that purpose to appropriate the grass verge on each side of the said work. The Corporation shall provide (when and where required by the owner and on payment by him of one-half the cost thereof) crossings for motor cars over the said footpaths and make provision for junctions with the said work for intersecting streets as defined by the owner and shown on the said estate plan. The Corporation shall not plant any trees or erect or place any pole post or other obstruction on the said work which will interfere with reasonable means of access from the roadway to the gateways of houses abutting thereon or the user of the said crossings.

(8) The Corporation shall (a) before commencing the construction of the said work erect a spruce post and rail fence with sufficient gates and posts on the southerly side of the said work for the protection of the remaining land of the owner on that side of the said work (b) in excavating the site remove the clay therefrom and deposit the same on the owner's land on the south side thereof if so required by the owner (c) pay to the owner when the said work is commenced the sum of one hundred and fifty pounds for the removal of the present wooden gantries on the site of the said work : A.D. 1925.

(9) (a) Towards the cost of the said work the owner shall only be liable for and repay to the Corporation such a sum as would be the cost of sewerage levelling paving metalling flagging channelling and completing a roadway twenty-four feet wide with a flagged and kerbed footpath on each side thereof nine feet wide at a rate not to exceed five pounds ten shillings per lineal foot measured along the whole length of the said work or such a sum as would be necessary to construct a street of the dimensions and in the manner herein described whichever shall be the less If during and for the purposes of the construction of the said work it is found necessary to raise alter or lower any water main belonging to the Fylde Water Board the cost of raising altering or lowering such main and providing and laying where reasonably necessary any substituted water main during the construction of the said work in order to maintain the supply of water shall not be deemed to be part of and included in the cost of the said work but shall be borne wholly by the Corporation ;

(b) The owner shall not be required to pay the whole of his share of the said work on the completion of the same but only as and when any part of his land abutting thereon is sold or let for any period exceeding five years for building or other purposes on the happenings

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of which the owner shall pay to the Corporation from time to time such proportion of the whole amount payable by him as the frontage of the land sold or let as aforesaid bears to the total frontage of the said work for which he is liable. As from the expiration of ten years from the date of the passing of this Act (provided only that the said work shall be completed within three years from the passing of this Act) the owner shall pay interest on the whole of his share of the street making expenses or the balance thereof remaining unpaid (as the case may be) at the rate of five pounds per centum per annum by half-yearly payments but the total amount for which the owner is liable shall be paid to the Corporation (subject to the said work being completed as aforesaid) within fifteen years from such last-mentioned date. Provided always that, the times for payment of interest as aforesaid and for the cost of the said work shall be postponed for such period as the time of completion of the said work shall extend beyond three years from the passing of this Act. Any sum owing by the owner at any time after the completion of the said work shall be a charge on the lands in respect of which the street expenses were incurred (limited as to time of payment or recovery as hereinbefore provided) and such charge (subject as aforesaid) shall without prejudice to any other remedies for the recovery thereof be enforceable against the said hereditaments and the owner thereof in the same manner as expenses under section 150 of the Public Health Act 1875 are recoverable :

- (10) If any difference shall arise between the Corporation and the owner as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder the same shall be referred to an arbitrator to be appointed failing agreement between the parties by the President of the Surveyors' Institution and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

PART IV.

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TRAMWAYS AND OMNIBUSES.

16. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramways hereinafter referred to with all proper rails plates chairs sleepers tubes shelters houses machines junctions turn-outs crossings crossovers passing places posts poles brackets wires works and conveniences connected therewith.

Power to
make tram-
ways.

The tramways hereinbefore referred to and authorised by this Act will be situate in the borough except where otherwise stated and are:—

Tramway No. 1 (double line 1 furlong 9 chains in length) partly in the borough and partly in the borough of Lytham St. Anne's commencing in the promenade now in course of construction at South Shore in the borough by a junction with Tramway No. 1 authorised by the Act of 1917 and terminating in the borough of Lytham St. Anne's by a junction with the existing tramway in Squire's Gate Lane;

Tramway No. 2 (1 furlong 5·42 chains in length whereof 6·82 chains will be double line and 8·60 chains will be single line) commencing in the Carriage Drive by a junction with the tramway therein at a point 24 yards or thereabouts south of the south-east corner of the Hotel Metropole proceeding along Queen's Square and Queen Street and terminating in Dickson Road by a junction with the tramway therein at a point 16 yards or thereabouts north of the centre of Queen Street;

Tramway No. 3 (double line 1·66 chains in length) commencing in the Carriage Drive by a junction with the tramway therein and terminating in Queen's Square by a junction with Tramway No. 2 authorised by this Act;

Tramway No. 4 (single line 1·29 chains in length) commencing in Queen Street by a junction with Tramway No. 2 authorised by this Act and

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terminating in Dickson Road by a junction with the tramway therein;

Tramway No. 5 (single line 4.55 chains in length) commencing in Queen Street by a junction with Tramway No. 2 authorised by this Act and terminating in Abingdon Street by a junction with the tramway therein;

Tramway No. 6 (single line 1 furlong 0.85 chain in length) commencing in Blundell Street at its junction with Rigby Road proceeding along Blundell Street and Hesketh Road and terminating in Lytham Road by a junction with the tramway therein;

Tramway No. 7 (single line 1.56 chains in length) commencing in Hesketh Road by a junction with Tramway No. 6 authorised by this Act and terminating in the tramways depôt of the Corporation;

Tramway No. 8 (single line 1.73 chains in length) commencing in Hesketh Road by a junction with Tramway No. 6 authorised by this Act and terminating in Lytham Road.

Period for
completion
of works.

17. The tramways authorised by this Act shall be completed within five years from the first day of October nineteen hundred and twenty-five and on the expiration of that period the powers granted by this Act to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Works to
form part
of tramway
undertaking
of Corpora-
tion.

18.—(1) The tramways and works authorised by this Part of this Act shall for all purposes form part of the tramway undertaking of the Corporation and the provisions of the sections hereinafter mentioned and any byelaws and regulations made in pursuance thereof and for the time being in force shall with the necessary modifications extend and apply to all the said tramways and works.

(2) The sections hereinbefore referred to are:—

Blackpool Improvement Act 1898—

Section 18 (Tramways not to be opened until certified by Board of Trade);

Section 19 (As to rails of tramways);

- Section 20 (Further provisions as to construction of tramways); A.D. 1925.
- Section 21 (Tramways to be kept on a level with surface of road);
- Section 23 (Provisions as to motive power);
- Section 24 (Lessees not to use mechanical power unless expressly authorised);
- Section 25 (Provisions as to use of electric power);
- Section 27 (Fares on Sundays or public holidays not to be raised);
- Section 28 (Power to Corporation to work tramways);
- Section 31 (Byelaws);
- Section 32 (Recovery of penalties);
- Section 33 (Amendment of Tramways Act 1870 as to byelaws by Corporation).

Blackpool Improvement Act 1899—

- Section 17 (Mechanical power works to be subject to section 30 of Tramways Act 1870).

The Act of 1901—

- Section 9 (Tramways and tramroads to form part of tramway undertaking);
- Section 13 (Cheap fares for labouring classes).

Blackpool Improvement Act 1905 :—

- Section 27 (For protection of Postmaster-General).

The Act of 1917—

- Section 60 (Use of tramway posts by Postmaster-General).

(3) Provided that no post or other apparatus shall be erected on any carriageway in connection with the tramways authorised by this Act without the consent of the Minister of Transport.

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Power to
make addi-
tional cross-
overs and to
double
tramway
lines.

19.—(1) The Corporation may subject to the provisions of this Act with the consent of the Minister of Transport make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by the Acts and Orders relating to the Corporation's tramways as they find necessary or convenient for the efficient working of their tramways or for providing access to any warehouses stables or carriage-houses or works of the Corporation.

(2) Notwithstanding anything shown on the plans deposited in respect of the Corporation's tramways the Corporation may with the consent of the Minister of Transport lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of their tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not except with the consent of the Minister of Transport be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

Further
power to
run omni-
buses.

20.—(1) In addition to the power to provide maintain and run omnibuses conferred upon the Corporation by the Act of 1920 they may provide and maintain (but shall not manufacture) and may run omnibuses along any route outside the borough and the urban district of Thornton with the consent of the Minister of Transport and of the local authority of the district in which the route is situate :

A.D. 1925.
—

Provided that the consent of a local authority (other than the mayor aldermen and burgesses of the borough of Lytham St. Anne's) 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 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 under the Act of 1920 and this Act as if they were carriages used on tramways.

(4) 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.

(5) 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.

21.—(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 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 reconstruct such road or part of a road or to strengthen any county bridge

Adaptation
of roads.

A.D. 1925. — or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money 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 reconstruction 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 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 which may from time to time be expended upon the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge 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.

(d) The road authority shall prepare and keep statements as to the expenditure on the adaptation alteration or reconstruction or the strengthening as the case may be of any road or bridge in regard to which it shall have been agreed or determined that the Corporation are to make a payment to the road authority under the provisions of paragraph (a) of this subsection and shall furnish copies of such statements to the Corporation and shall allow any person duly authorised by the Corporation in that behalf to inspect and take copies of such statements and of any accounts kept by the road authority relating to such road or bridge. Any question that may arise between the Corporation and any road autho-

rity under paragraph (c) of this subsection shall be determined by arbitration. A.D. 1925.

(e) 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 reconstruction 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 reconstructed or over the bridge to be strengthened.

(f) 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 reconstructed or of any such bridge so strengthened.

(g) 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 the 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 reconstruction 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.

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act

A.D. 1925. 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.

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

As to cesser
of powers.

22.—(1) The powers of running omnibuses under the provisions of this Act on any road or part of a road may at the expiration of ten years from the date on 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.

(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.

Provision in
event of
certain
powers not
being exer-
cised within
prescribed
limits.

23.—(1) 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 under the powers of this Act of omnibuses on any route 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. A.D. 1925.

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

24.—(1) The following provisions of the Act of 1920 shall extend and apply to the omnibuses the running of which is authorised by this Act as if they had been authorised by the Act of 1920 (namely):— Application
of Act of
1920.

Subsection (2) (relating to the purchase of land) and subsection (5) (relating to electrical power) of section 43 (Power to run omnibuses);

Section 46 (Through cars and omnibuses);

Section 47 (Power to reserve cars for special purposes);

Section 48 (Shelters or waiting rooms);

Section 49 (Conveyance of mails); and

Section 50 (Omnibuses to form part of tramway undertaking).

(2) Provided that the powers of the said sections 43 46 and 47 of the Act of 1920 shall not be exercised in the borough of Lytham St. Anne's without the consent in writing of the mayor aldermen and burgesses of the said borough.

25.—(1) (a) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses the running of which is authorised by the Act of 1920 or this Act 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.

(b) 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.

A.D. 1925.

(c) 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.

(d) Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

(2) Every passenger 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 nor be of a form or description to annoy or inconvenience other passengers.

(3) The Corporation may if they think fit carry 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 a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such persons and in such manner as the Corporation may by notice annexed to the list of fares and charges appoint.

(5) Subsection (3) of section 43 (Power to run omnibuses) of the Act of 1920 is hereby repealed and any maximum fares and charges approved by the Minister of Transport under that subsection shall be deemed to have been approved under this section.

Working
and other
agreements

26.—(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 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 the respective Acts under which such omnibus services are authorised. A.D. 1925

(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 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

A.D. 1925. 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.

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

27.—(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 any of their omnibus routes signs or directions indicating the position of stopping places for 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 owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment.

(2) Nothing in this section shall be deemed to require the 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 or any railway company except with his or their consent in writing.

Power to
require
intending
passengers
to wait in
lines and
queues.

28.—(1) For the better regulation of persons desiring to travel in the carriages on the tramways of the Corporation or in their omnibuses the Corporation may make byelaws requiring persons waiting to enter such carriages or omnibuses at any stopping place or terminus to wait in lines or queues and to enter such carriages 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 any highway within the borough.

(2) Provided that for the purposes of this section the Corporation shall not erect or maintain any barriers or posts on the west side of the tramway opposite to and co-extensive with the frontage of the premises of

the Blackpool Pier Company without the consent of that company. A.D. 1925.

29. Any byelaws made under this Part of this Act shall be made subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly. Application of Tramways Act 1870 to byelaws.

30. When the Corporation have acquired the land shown on the deposited plans at and near to the junction of Talbot Road with Cookson Street in the borough or any part thereof they may appropriate and use the same for the accommodation of omnibuses and for the purposes of their tramways undertaking. Transport depôt.

31. The Corporation shall not exercise the powers of this Act for the construction of a tramway in the borough of Lytham St. Anne's except with the consent in writing of the mayor aldermen and burgesses of that borough nor shall they except with the like consent exercise in that borough the powers of the sections of this Act whereof the marginal notes are respectively "Attachment of signs indicating stopping places to lamp-posts &c." and "Power to require intending passengers to wait in lines and queues." For protection of Lytham St. Anne's Corporation.

32. Notwithstanding anything contained in this Act the following provisions for the protection of Ribble Motor Services Limited (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):— For protection of Ribble Motor Services Limited.

- (1) The Corporation shall not under the powers of this Act run a regular service of omnibuses or enter into any agreement with any local authority company body or person for the running of a regular service of omnibuses upon the main road leading from Preston to Blackpool upon which the company are now running an omnibus service except upon such part of such road as lies between the boundary of the borough and the Four Lane Ends at Peel in the county of Lancaster Provided that this sub-section shall have effect only so long as the company

[A.D. 1925.]

provide an efficient service of omnibuses on that route but failure on the part of the company to provide an efficient service of omnibuses on such route shall not deprive the company of the protection afforded by this subsection if such failure is due to strikes or unforeseen accidents or circumstances beyond the control of the company :

- (2) Any question at any time arising between the Corporation and the company as to whether or not the company are providing an efficient service of omnibuses within the meaning of this section shall be determined by the Minister of Transport on the application of either party after notice in writing to the other :
- (3) If and so long as the company are in accordance with this section providing an efficient service of omnibuses upon the main road leading from Preston to Blackpool the Corporation shall not for a period of five years from the passing of this Act seek further powers to run a regular service of omnibuses on any part of the said main road as lies between Preston and the Four Lane Ends at Peel :
- (4) If the borough is extended so as to include therein any portion of the Preston to Blackpool main road which is now outside the borough the Corporation shall not impose any new restrictions on the running of omnibuses by the company in the area added to the borough which will prevent the company from exercising the same privileges as they now possess in respect of running omnibuses into and out of the borough :
- (5) When the Corporation have acquired the land shown on the deposited plans at or near to the junction of Talbot Road with Cookson Street in the borough the Corporation shall provide a standing place on such land equivalent in area and convenience to the standing place now used by the company on such land For this purpose the Corporation shall at the option of the company grant to the company a lease of such standing place for a term not exceeding

five years and the company shall have a right to call for a renewal of the said lease for a further period of five or ten years as the company may think fit : A.D. 1925.
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- (6) The rent payable under any such lease or the renewal thereof shall be such a sum as may be agreed or determined by arbitration to be equivalent to such proportion of the estimated amount of the annual charges hereinafter mentioned as the area of the land comprised in the lease bears to the total area of the land appropriated and used by the Corporation under the section of this Act whereof the marginal note is "Transport dépôt" The said annual charges are :—

(a) The interest upon the amount borrowed by the Corporation for the purchase of land appropriated and used under the last-mentioned section and the sum to be paid set aside or appropriated in any year for the repayment thereof ;

(b) The tenant's rates and taxes payable in respect of the land appropriated and used as aforesaid and the buildings thereon and the cost of the supervision and control thereof and of the repairs and renewals of buildings :

- (7) The provisions of the section of this Act whereof the marginal note is "Public vehicles at railway stations" shall not apply to the omnibuses of the company :
- (8) Any question in dispute between the Corporation and the company arising under the provisions of this section except any question to be determined by the Ministry of Transport shall be referred to an arbitrator to be agreed upon between the Corporation and the company or in default of agreement to be appointed by the Board of Trade on the application of either party.

33. Notwithstanding anything contained in this Act the following provisions for the protection of Thomas Ernest Smith shall unless otherwise agreed between the

For protec-
tion of
Thomas
Ernest
Smith.

A.D. 1925. Corporation and the said Thomas Ernest Smith apply and have effect (that is to say) :—

(1) The Corporation shall not under the powers of this Act for a period of four years from the twenty-fourth day of March nineteen hundred and twenty-five run a regular service of omnibuses chars-a-bancs or other similar vehicles along the following routes outside the borough upon which the said Thomas Ernest Smith is now or shall hereafter be running a regular and efficient service of omnibuses viz. :—

(a) Blackpool Poulton Singleton Thistleton Elswick Great Eccleston St. Michaels Churchtown and Garstang; and

(b) Blackpool Poulton Shard Lane Hambleton Rawcliffe Post Office Moss Edge Nateby Chapel and Garstang;

save and except along such parts of the said routes as are herein defined (that is to say) :—

(i) Between Talbot Road in the borough and Carleton Crossing;

(ii) In through or along the Market Square at Poulton-le-Fylde; and

(iii) Between Lawsons Farm in Little Singleton and Weeton Road End in Great Singleton :

Provided that the Corporation shall not during the aforesaid period pick up or set down any passengers between Lawsons Farm and Weeton Road End Provided also that this subsection shall have effect only so long as the said Thomas Ernest Smith provides an efficient service of omnibuses on the said routes but failure on his part to provide an efficient service on such routes shall not deprive him of the protection afforded by this subsection if such failure is due to strikes or unforeseen accidents or circumstances beyond his control :

(2) Any question at any time arising between the Corporation and the said Thomas Ernest Smith as to whether or not he is providing an efficient service of omnibuses within the meaning of this

section shall be determined by the Minister of Transport on the application of either party after notice in writing to the other : A.D. 1925.

- (3) If and when the Corporation have acquired the land shown on the deposited plans at or near the junction of Talbot Road with Cookson Street in the borough the Corporation shall give to the said Thomas Ernest Smith the same facilities as he now possesses in respect of his present user of part of the said land as a standing place for his omnibuses and shall grant to him (if required) a lease for such term as he may desire not exceeding five years such lease to contain an option of renewal in favour of the said Thomas Ernest Smith for a similar or less period as he may desire :
- (4) The rent payable under any such lease or the renewal thereof shall be such a sum as may be agreed or determined by arbitration to be equivalent to such proportion of the estimated amount of the annual charges hereinafter mentioned as the area of the land comprised in the lease bears to the total area of the land appropriated and used by the Corporation under the section of this Act whereof the marginal note is "Transport dépôt" The said annual charges are :—
- (a) The interest upon the amount borrowed by the Corporation for the purchase of land appropriated and used under the last-mentioned section and the sum to be paid set aside or appropriated in any year for the repayment thereof ;
- (b) The tenants' rates and taxes payable in respect of the land appropriated and used as aforesaid and the buildings thereon and the cost of the supervision and control thereof and of the repairs and renewals of buildings :
- (5) The Corporation shall not whilst any lease made in pursuance of this section remains in force exercise any of the powers under the section of

A.D. 1925.
—

this Act whereof the marginal note is “ Regulations for controlling traffic ” or any other powers which the Corporation may possess in any manner so as to diminish or vary the facilities or routes which the said Thomas Ernest Smith enjoys at present for running omnibus services into the borough to and from the land in Talbot Road :

- (6) Whenever subject to the provisions of this section the Corporation and the said Thomas Ernest Smith shall be running omnibuses in competition with each other minimum fares shall be agreed between them and in default of agreement such fares shall be determined by arbitration :
- (7) Any difference arising between the Corporation and the said Thomas Ernest Smith as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder except any matter in dispute to be determined by the Minister of Transport shall be referred to an arbitrator to be appointed failing agreement by the President of the Surveyors’ Institution and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such arbitration.

For protec-
tion of
Fleetwood
Urban
District
Council.

34. For the protection of the Fleetwood Urban District Council (in this section called “ the council ”) the following provisions shall unless otherwise agreed in writing between the council and the Corporation apply and have effect (that is to say):—

If at any time after the expiration of seven years from the date of the passing of this Act the council shall make application to Parliament or to any other authority authorised to grant the necessary powers in that behalf for powers to enable the council to provide an omnibus service either within or beyond the said urban district or partly within and partly beyond the same the Corporation shall not oppose such application except for the purpose of obtaining clauses defining the route or routes over which the omnibuses of the Corporation

shall run within the urban district of Fleetwood and defining the route or routes over which the council's omnibuses shall run within the borough and providing for the revision of such routes from time to time by agreement between the Corporation and the council or failing such agreement by the Minister of Transport.

A.D. 1925.
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35. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section called "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect:—

For protec-
tion of Lon-
don Mid-
land and
Scottish
Railway
Company.

(1) The provisions of section 10 (For the protection of the Lancashire and Yorkshire and London and North Western Railway Companies) of the Blackpool Corporation Tramways Order 1893 confirmed by the Tramways Orders Confirmation Act 1893 shall with the necessary modifications apply for the benefit of the company to the exercise by the Corporation of the powers of the section of this Act of which the marginal note is "Power to make additional crossovers and to double tramway lines":

(2) Notwithstanding anything contained in this Part of this Act no barrier or post shall be erected and maintained nor shall the Corporation require persons waiting at any stopping place or terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or egress from any station or depôt belonging to the company nor shall any such barrier or post be erected or maintained on any bridge carrying any street or road over the railways of the company or on the approaches to any such bridge.

36. 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 Trans-
port.

A.D. 1925.

PART V.

GAS AND ELECTRICITY.

Gas.

Power to
lay pipes
in private
streets.

37.—(1) The Corporation may on the application of the owner or occupier of any premises within the limits for the time being of the Corporation for the supply of gas abutting on any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Acts relating to the Corporation's gas undertaking.

(2) Provided that the Corporation shall not exercise their powers under this section with respect to any street or road belonging to a railway company except with the consent of such company but such consent shall not be unreasonably withheld and if any difference arises between the company and the Corporation as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. In carrying out any works authorised by this section the Corporation shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

Power to
lay pipes
for ancillary
purposes.

38. The Corporation may within their limits for the time being for the supply of gas lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply *mutatis mutandis* to and for the purposes thereof.

For further
protection
of London

39. The provisions of section 43 (For protection of Lancashire and Yorkshire and London and North

Western Railway Companies) of the Blackpool Improvement Act 1893 shall with the necessary modifications apply for the benefit of the London Midland and Scottish Railway Company to the exercise by the Corporation of the powers of the sections of this Act of which the marginal notes are "Power to lay pipes in private streets" and "Power to lay pipes for ancillary purposes."

A.D. 1925.

—
Midland and
Scottish
Railway
Company.

40.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the area of supply of the Corporation for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use:—

Relief from
obligation
to supply.

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation.

(2) The foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

- (a) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or
- (b) to make such payment or payments to the Corporation (in addition to any payments to be

A.D. 1925.

made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand.

(3) If any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding:

Provided that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say)—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply:

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section. A.D. 1925.

41. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Corporation a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply of gas where consumer has separate supply.

42.—(1) In any case in which the Corporation are by virtue of any enactment relating to their gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

As to mode of cutting off supplies.

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation (subject to the provisions of section 22 of the Gasworks Clauses Act 1871 as extended by this Act) shall have and may exercise the like powers of entry as are exercisable under that section.

A.D. 1925.

Further
powers to
enter pre-
mises and to
remove
fittings.

43.—(1) The power to enter premises and remove pipes meters fittings or apparatus conferred upon the Corporation by section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

(2) Any person having control of the premises which the Corporation are authorised by the Gasworks Clauses Act 1871 or this Act to enter who does not permit such entry shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Where any premises which the Corporation are entitled to enter in pursuance of the said section 22 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

Electricity.

Power to
lay electric
lines &c. in
private
streets.

44.—(1) The Corporation may upon the application of the owner or occupier of any premises in the area for the time being of the Corporation for the supply of electricity abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter re-lay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Blackpool Electric Lighting Order 1890 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section.

(2) Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company

nor shall the Corporation in carrying out the works authorised by this section obstruct or interfere with the convenient access to any such street.

A.D. 1925.

45.—(1) The Corporation may with the consent of the owner of any building or bridge attach thereto (but in the case of a bridge only to the underside thereof) such brackets pipes wires and attachments as may be required for lighting any street in the area for the time being of the Corporation for the supply of electricity Provided that—

Attach-
ment of
brackets &c.
to buildings.

- (a) 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 or bridge 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;
- (b) 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 or bridge but any attachments 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 (a);
- (c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(2) 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.

A.D. 1925.

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As to maximum power which may be demanded.

46.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by 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 his premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 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.

Byelaws as to apparatus and fittings.

47.—(1) The Corporation may make byelaws for the purpose of preventing fire in any building or premises within the area for the time being of the Corporation for the supply of electricity which is or are 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.

(2) Provided that nothing contained in this section or in any byelaw to be made thereunder shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to a railway company and used only as railway premises.

Period of error in defective meters.

48.—(1) In the event of a meter of a construction and a pattern approved by the Board of Trade or the 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 Cor-

poration 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.

A.D. 1925.

49. 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.

Power to recover charge for re-connecting.

50.—(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) of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding five pounds.

Entry upon premises
Penalty for obstruction.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said sections or either of them are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation 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.

Gas and Electricity.

51. The Corporation may levy and recover such charges as they think fit for taking the reading of any gas or electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of one shilling for each reading.

Charges for special readings of meters.

A.D. 1925.

PART VI.

STREETS BUILDINGS SEWERS AND DRAINS.

Corpora-
tion may
fix line of
existing
streets.

52.—(1) Where any street repairable by the inhabitants at large or any part of such street is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe what shall thereafter be the line of frontage to be observed on either side of such street or any part thereof.

(2) The line which in any case the Corporation propose to prescribe shall be marked on a plan to be signed by and deposited with the surveyor and such plan shall at all reasonable times thereafter be open for the inspection of the public without charge and one month at least before the Corporation formally prescribe the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot with reasonable diligence be ascertained by fixing such notice to or on the premises.

(3) No new building erection excavation or obstruction shall be made or placed nearer to the centre of the street than such line except with the consent in writing of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(4) The Corporation may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by the Corporation under this section and the street and the same when purchased shall vest in the Corporation as part of the street Provided that the Corporation shall not be required by an owner to purchase any land under the provisions of this section until a building shall have been

erected on the land immediately behind the land to be purchased. A.D. 1925.

(5) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make compensation to the owner and other persons interested in any land for any loss or damage which he or they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

(6) The amount of any purchase money or compensation payable under subsection (4) or subsection (5) of this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 and in determining the amount thereof the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said purchase money or compensation.

(7) If after any such line has been prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(8) Section 48 of the Blackpool Improvement Act 1893 is hereby repealed and any line of frontage which has been prescribed and defined under that section shall be deemed to have been prescribed under this section.

53.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan to be drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called “the building Building
line in
streets.

A.D. 1925.

line") and the Corporation shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street already formed upon which buildings have not already been erected.

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

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

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

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

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration.

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(8) Any person aggrieved by any decision of the Corporation disapproving a building line under subsection (1) or prescribing a building line under subsection (2) of this section may within twenty-one days from the date of such decision appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

54.—(1) Where it appears to the Corporation that the whole or any portion of an existing highway will be converted into a new street as a consequence of building operations which have been or are likely to be undertaken in the vicinity the Corporation may by order declare such highway or such portion thereof as may be specified in the order to be a new street for the purpose of the application thereto of their byelaws and local enactments with respect to new streets.

Declaration
of street as
a new street.

(2) Upon an order under this section coming into operation any person who shall commence to erect a new building upon land abutting on or adjoining the highway or portion of the highway by the order declared to be a new street shall in relation to that land be deemed to be laying out a new street within the meaning of the byelaws of the Corporation and the local enactments with respect to new streets.

55.—(1) When a road footpath or way is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such road footpath or way has been or is in course of being built on the Corporation may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

Widening
of roads
when only
one side is
built upon.

A.D. 1925.
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(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation. Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

Naming of
streets.

56.—(1) Before any name is given to any street notice of the intended name shall be given to the Corporation and the Corporation may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within two months after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street until the expiration of two months after notice thereof has been given as aforesaid to the Corporation or to set up any name objected to as aforesaid.

(2) The Corporation may by order alter the name of any street or any part of a street but two months before making any such order they shall give notice to the ratepayers in the street and they shall consider any objections that may be made by such ratepayers within two months after the giving of the notice.

(3) The Corporation may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

(4) Any person who shall offend against this section or who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such name shall be liable to a penalty not exceeding forty shillings.

(5) Any person deeming himself aggrieved by any objection of the Corporation under subsection (1) or by an order of the Corporation under subsection (2) of this section may appeal to a court of summary jurisdiction within seven days of the receipt by him of the objection or within seven days of the making of the order (as the case may be) provided he gives twenty-four hours' 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.

57.—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

A.D. 1925.

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As to fore-
courts.

(2) Any person who shall offend against this enactment or shall fail to comply with any requirement thereunder shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

58.—(1) In case any building is erected or raised after the first day of December nineteen hundred and twenty-four to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the ridge or parapet of such last-mentioned building or the top of the flues and chimneys whichever may be the higher.

Erection of
buildings to
greater
height than
adjoining
buildings.

(2) The owner of any building or other the person authorising the erection or raising of any building in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

59.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation acquires a frontage to a street shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the door or entrance or the building wall or fence in a line and the elevation of the building wall or fence fronting to or towards the street in accordance with a drawing approved by the Corporation and

Elevation of
buildings
erected on
front lands
to require
approval.

A.D. 1925. in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

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

(3) The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Power to
require
specially
large sewer
in new
street.

60. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as certified by the surveyor shall be paid by the Corporation.

Separate
sewers for
surface
water and
sewage.

61.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for surface water (in this section called a "surface water sewer").

(2) Where under the provisions of any Act for the time being in force in the borough the Corporation have power to require any street to be sewered they may require provision of separate sewage sewers and surface water sewers and the provisions of that Act shall apply to such sewers accordingly :

Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

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(3) (a) Where separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

62.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section. Combined drains.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

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(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

As to houses
connected
with single
private
drain.

63.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

Corporation
to make
communica-
tions be-

64. If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the

Corporation with which he is entitled to have such sewer or drain made to communicate such communication may be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

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—
between drains
and sewers.

65. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Power to lay
drains in
private
streets.

66.—(1) If a water-closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Improper
construc-
tion or re-
pair of
water-closet
or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

67.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation or communicating with any cesspool or other receptacle for drainage without giving to the Corporation

Notice of
intention to
repair
drains.

A.D. 1925. — twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor sanitary inspector or any officer of the Corporation authorised in writing by the surveyor for the purpose of inspection.

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

Power to reconstruct drain if laid in contravention of Public Health Act 1875.

68. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 (Penalty on building house without drains in urban district) of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain shall be laid re-laid or amended or re-made as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Corporation may cause the drain in respect of which such conviction has been obtained to be laid re-laid or amended or re-made as the case may require and may recover from such person the expenses incurred by them in so doing.

Byelaws as to reconstruction of drains.

69. The Corporation may make byelaws under section 157 of the Public Health Act 1875 requiring the deposit of plans and sections by any person proposing to re-construct or alter the course of any drain which communicates or is intended or required to communicate with any public sewer.

As to repair of drains.

70. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation and if the owner or owners thereof shall fail to repair the same to the satisfaction of the Corporation within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them

from the owner or owners thereof in such proportions as the surveyor shall determine :

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Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

71. If any person cause any drain water-closet earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful
damage to
drains
water-
closets &c.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

72. Nothing in this Part of this Act except the sections whereof the marginal notes are—

Exemption
of railway
companies.

Naming of streets;

As to forecourts;

Separate sewers for surface water and sewage;

shall 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 any 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 any such company with the authority of Parliament so long as any such building railway work or lands are used or held by such company primarily for railway purposes.

PART VII.

INFECTIOUS DISEASE AND SANITARY MATTERS.

73.—(1) No person of or over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the

Restriction
on attend-
ance of
children at
Sunday
schools and

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—
places of
assembly.

view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Power to
close Sun-
day schools
to prevent
spread of
disease.

74.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall at once be complied with.

(2) Any person responsible for the conduct or management of any Sunday school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

For pre-
venting
spread of
infectious
diseases.

75.—(1) Any person being the parent or having the care or charge of a child attending at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

(2) In any proceeding under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as

required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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(3) In this section the expression "school" includes a Sunday school.

76. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles scabies ring-worm whooping cough chicken pox and influenza and for the purposes of so much of the section of this Act of which the marginal note is "Restriction on attendance of children at Sunday schools and places of assembly" as relates to the exclusion from Sunday schools of children who are suffering from an infectious disease the expression shall also include pulmonary tuberculosis.

Extended meaning of "infectious disease" for certain purposes.

77. When any person suffering from infectious disease shall die of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding five pounds.

Removal of body of person dying of infectious disease.

78.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists

Names of laundrymen to be furnished.

A.D. 1925. — and such person shall forthwith furnish such information accordingly.

(2) Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Removal of
person
suffering
from pul-
monary
tuberculosis
to hospital.

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

(a) that any person is suffering from pulmonary tuberculosis and is in an infectious state; and

(b) that by reason of the lodging or accommodation with which such person is provided being such that proper precautions to prevent the spread of infection cannot be taken or by reason of such precautions not being taken serious risk of infection is caused to other persons;

and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person so suffering the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough for the detention and maintenance of such person therein subject to the consent of the superintending body of such hospital or place and subject to the like consent for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give to the person so suffering or some person having the charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) (a) Where—

(i) any person suffering as aforesaid is removed to any such hospital or place as aforesaid under an order made under this section; or

- (ii) any person resident in the borough and suffering as aforesaid voluntarily goes for treatment to any hospital or place for the reception of the sick ;

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the Corporation may if they think fit and if satisfied that the necessities of the case so require make payments for or towards the maintenance of any relative of or person actually dependent on the person so suffering.

(b) On the hearing of any application under this section the court shall take into consideration the amount necessary for such maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependants.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

80.—(1) The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house and the owner of any dwelling-house erected before the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy the same or allow the same to be occupied shall respectively be

As to houses
without
water sup-
ply.

A.D. 1925, liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) Provided that—

(a) The owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by subsection (1) of this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house;

(b) The Corporation shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connection to the drain);

(c) This section shall not apply to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

(3) In this section the expression "dwelling-house" includes a temporary building used for human habitation but in the application of this section to a temporary building which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months the water supply to be provided need not be within the dwelling-house but shall be reasonably accessible thereto and available to the occupiers thereof.

As to filthy premises.

81.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and

any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

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(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

82.—(1) If the medical officer or the sanitary inspector has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or sanitary inspector it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wallpaper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirements

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contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation and in this Part of this Act the word "vermin" includes bugs fleas lice and itch-mites and their eggs larvæ and pupæ.

Cleansing of
children and
their cloth-
ing.

83.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the borough examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall be liable to a penalty not exceeding twenty shillings.

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(5) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of or duly authorised by the medical officer.

(6) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence. In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

84.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who does not consent to leave the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where a court of summary jurisdiction on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall

Cleansing of
verminous
persons.

A.D. 1925. — in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) The cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of or duly authorised by the medical officer.

(4) If any person at the request of the Corporation or under an order of such court shall cease his employment in order to comply with such order the Corporation may and in case of an order of the court shall make compensation to him for any loss he may suffer thereby.

(5) For the purposes of this section the word "house" includes any boat tent van shed or similar structure used for human habitation.

(6) This section shall not apply to any child.

Rag and
bone dealers
not to sell
food.

85.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

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

Sanitary
regulations
for premises
used for
sale &c. of
food.

86.—(1) The following provisions shall apply to any room shop or other part of a building in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale:—

(a) No such room shop or other part of a building shall be used as a sleeping-place;

(b) No urinal water-closet earth-closet privy ashpit or other like sanitary convenience shall be

within such room shop or other part of a building or shall communicate therewith except through the open air or through an intervening ventilated space;

- (c) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of a building;
- (d) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of the trade or business;
- (e) Due cleanliness shall be observed in regard to such room shop or other part of a building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of a building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

(4) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901 nor shall they apply in cases where the only food is meat to which the Public Health (Meat) Regulations 1924 made by the Minister of Health under the Public Health Regulations as to Food Act 1907 apply.

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Prohibition
of tents vans
&c.

87.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Corporation but this subsection shall not apply to a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months.

(b) Any person aggrieved by the withholding by the Corporation of their approval of any land for the purposes mentioned in this subsection may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(2) It shall not be lawful for any person to let or use any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(3) If any squatter gipsy or other person dwelling in a tent shed or van or other similar structure occupies land within three hundred yards of any dwelling-house and the occupation of such land by him is a nuisance or injurious to health a court of summary jurisdiction may on complaint by the Corporation make an order prohibiting (either absolutely or subject to conditions) the further occupation of such land or any other land within a radius of one thousand yards thereof by such squatter gipsy or other person and if the order be not complied with the squatter gipsy or other person shall be liable to the penalty mentioned in subsection (5) of this section.

(4) The Corporation before making any complaint shall give to the owner or lessee of the land so occupied or to the person who has suffered the land to be so occupied not less than seven days' notice in writing of their intention so to complain and shall at the same time give a similar notice to the squatter gipsy or other person with regard to whom the complaint is intended to be made.

(5) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker). A.D. 1925.

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

88.—(1) For the purposes of the Public Health Acts the trade of a fish fryer shall be deemed to be established not only if it is established for the first time but also if without the consent of the Corporation— Fish frying.

- (a) it is removed from one set of premises to any other premises; or
- (b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or
- (c) any premises on which it is for the time being carried on are enlarged;

but the trade shall not be deemed to be established for the first time on any premises by reason only that the ownership or tenancy of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of the trade of a fish fryer or to the enlargement of any premises on which the trade is carried on may be given so as to continue in force for such period not exceeding one year as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on the said trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

89. The power of the Corporation to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid. Byelaws as to refuse.

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Byelaws as
to vehicles
used for
food.Summary
proceedings
for abate-
ment of
nuisance.Public
notice to be
given of
provisions
of this Part
of this Act.Byelaws
under Act
of 1893.Prohibition
of touting
hawking &c.
in certain
streets and
seashore.

90. The Corporation may make byelaws with respect to the use for other purposes of vehicles used for the conveyance of food for man and may by such byelaws prohibit the use for other purposes of a vehicle so used.

91. If the medical officer or the sanitary inspector is of opinion that a nuisance exists on any premises which is imminently dangerous to health or the removal of which is urgently necessary in the interests of health he may take proceedings under the Public Health Act 1875 for the abatement of the nuisance and for that purpose may on the direction of the Corporation or a committee of the council make complaint to a justice on the expiration of twenty-four hours after serving notice to abate the nuisance upon the persons referred to in section 94 of the said Act and the provisions of that Act shall apply accordingly.

92.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

(2) The production of copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART VIII.

POLICE AND HACKNEY CARRIAGES.

93. Section 32 of the Blackpool Improvement Act 1893 shall extend to the making of byelaws for the prohibition or the prohibition except under licence from the Corporation of the several matters referred to in that section and such byelaws may apply to the whole of the seashore of the borough.

94.—(1) No person shall in the streets hereinafter mentioned or on the seashore importune any person by touting for a hotel lodging-house refreshment house shop pier boat garden theatre tramway hackney carriage or any place of amusement.

(2) Any person offending against the provisions of this section shall be liable for the first offence to a penalty

not exceeding forty shillings and for every subsequent offence to a penalty not exceeding five pounds. A.D. 1925.

(3) The streets hereinbefore referred to are the following :—

Abingdon Street Adelaide Street Bank Hey Street
Central Drive Chapel Street Church Street The
Cliffs Clifton Street Dickson Road Lytham Street
Market Street Queen Street Talbot Road Talbot
Square Upper Talbot Street Victoria Street War-
breck Road and West Street.

(4) Nothing in the preceding section or in this section shall take away affect or diminish any of the rights powers and privileges of the Blackpool Pier Company under and by virtue of the agreement dated the fourth day of May eighteen hundred and ninety-nine and made between that company of the one part and the Corporation of the other part.

95.—(1) The Corporation may from time to time make regulations prescribing— Regulations
for con-
trolling
traffic.

- (a) the streets within the defined area referred to in subsection (11) of this section which are not to be used for traffic by vehicles of any specified class or classes either generally or at specified times;
- (b) the routes within the defined area which are not to be used by motor omnibuses when plying for hire within or passing through the borough;
- (c) the time during which any omnibus shall be allowed to remain at any one stand; and
- (d) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers :

Provided that no regulation made under paragraph (a) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the defined area whilst so engaged.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister for his approval and shall give notice thereof by advertisement in a newspaper published

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or circulating in the borough and in the London Gazette and in such other manner if any as the Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall also state a date not being less than twenty-one days from the date of the notice by which and the manner in which any parties aggrieved by the regulations may make representation thereon to the Minister.

(3) The Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disallow the same.

(4) Before allowing any regulation the Minister may and if any representation is duly made and is not withdrawn shall direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the Minister for the services of such person.

(5) The Corporation shall cause to be given at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a newspaper published or circulating in the borough and in the London Gazette and shall also give similar notice in writing to each person who has made any such representation as aforesaid and has not withdrawn the same.

(6) Regulations made under this section shall not be confirmed by the Minister if in his opinion such regulations discriminate unduly in favour of tramways or omnibuses belonging to the Corporation.

(7) Such regulations shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(8) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper published or circulating in the borough and otherwise in such manner as may be prescribed by the Minister.

(9) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence until the contrary is proved in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(10) Any person who shall wilfully contravene any such regulation shall be liable to a penalty not exceeding forty shillings.

(11) In this section—

(a) The “defined area” comprises so much of the borough as is situate on the westerly side of a line drawn at a distance of half a mile east of the easterly side of—

(i) the existing carriage drive between the southern boundary of the borough and the Gynn;

(ii) Queens Drive; and

(iii) the site of Work No. 19 authorised by the Act of 1920;

(b) “Stand” means a place where omnibuses may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same; and

(c) “The Minister” means the Minister of Transport.

96. The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within the borough as if such railway station or railway premises were a stand for hackney carriages or a street:

Public
vehicles at
railway
stations.

Provided that—

(1) The provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of the railway stations or railway premises of such company or to the drivers or conductors of such vehicle;

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(2) Nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station premises or yard.

Inspection
and certifi-
cation of
taximeters.

97.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

Byelaws as
to hackney
carriages.

98. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

(1) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Corporation:

(2) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire:

- (3) For the fixing of fares to be charged for the use of any motor hackney carriage by time by distance and by time and distance combined. A.D. 1925.

PART IX.

FINANCE AND RATING.

99.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay all money so borrowed within the respective periods mentioned in the third column of the said table (namely):—

Power to borrow.

1	2	3
Purpose.	Amount.	Period for repayment to be calculated (unless otherwise stated) from the date or dates of borrowing.
(a) The purchase of land for the purposes of this Act.	The sum requisite. £	Sixty years.
(b) The construction of the new street and street improvements authorised by this Act and the purposes of the sections of this Act whereof the marginal notes are respectively "Highway depôt" and "Transport depôt" together with approaches roads footpaths works and conveniences in connection therewith.	68,460	Thirty years.
(c) The diversion and culverting of the Spen Dyke authorised by this Act.	9,000	Thirty years.
(d) The construction of the tramways authorised by this Act.	25,350	Twenty years.
(e) The electrical equipment of such tramways.	1,750	Twenty years.
(f) The provision of omnibuses	30,000	Seven years.
(g) The payment of the costs charges and expenses of this Act.	The sum requisite.	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

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as may be necessary for the purposes of Part IV. (Tramways and omnibuses) of this Act and with the consent of the Minister of Health such further money as may be necessary for any of the purposes of this Act other than the purposes of that Part.

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

(3) In order to provide for the repayment of moneys borrowed under this Act and the payment of interest thereon the several revenues of the Corporation are hereby made specially liable and such moneys are hereby primarily chargeable accordingly (that is to say):—

As regards money borrowed for the purchase of land (other than land for the tramway undertaking of the Corporation) and as regards money borrowed for the purposes (b) (c) and (g) the borough fund and the borough rate;

As regards money borrowed for the purchase of land for the purposes of the tramway undertaking of the Corporation and as regards money borrowed for the purposes (d) (e) and (f) the borough fund and the borough rate and the revenue of the Corporation's tramway undertaking;

As regards money borrowed with the consent of the Minister of Transport or of the Minister of Health such rate or revenue as may be prescribed by the Minister with whose consent the money is borrowed.

Expenses of execution of Act.

100. Any expenses incurred by the Corporation in the execution of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund.

Return to Minister of Health with respect to repayment of debt.

101.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the

chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) The provisions of this section shall extend and apply to any annual returns required to be made to the Minister with regard to the repayment of debt by any provisions of any Acts or Provisional Orders now in force in the borough or by any regulations made thereunder notwithstanding anything contrary to or inconsistent therewith in any such Act Order or regulation.

102.—(1) Notwithstanding anything contained in any Act or Order on or after the thirty-first day of March nineteen hundred and twenty-six the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received—

Consoli-
dated loans
fund.

(a) all moneys borrowed by the Corporation whether by issue of stock or other security together with

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any moneys borrowed without security in connection with the exercise of statutory borrowing powers;

(b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

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

and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received (except of such moneys as have been borrowed from the Public Works Loan Commissioners) and of all sums provided by the Corporation as aforesaid before the date as from which the consolidated loans fund is established.

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

(a) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; or

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation;

and the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall

rank equally one with the other without any priority whatsoever. A.D. 1925.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

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

103. The purpose 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 their 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.

Borough rate may include working balance.

104. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (other than securities issued under the Local Loans Act 1875 and securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the treasurer of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

105. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in case of persons not sui juris.

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Certain
sections of
Public
Health Act
1875 to
apply to
rates.

106. Section 220 (Description of owner or occupier) and section 221 (Rates may be amended) of the Public Health Act 1875 shall apply to the borough in respect of the poor rate (including the borough rate or any separate rate levied by the overseers of the township of Blackpool under the Blackpool (Rates) Order 1923) as if the overseers were an urban authority and the rate therein mentioned were such rate as aforesaid and the said section 221 shall extend to enable the overseers to amend any rate made by them so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Charge for
distress for
rates.

107. The Distress (Costs) Act 1817 so far as it applies by virtue of the Distress (Costs) Act 1827 to any distress made for rates levied in the borough shall have effect as if for the charge of three shillings prescribed by the said Act of 1817 for levying distress there were substituted the sum of four shillings and sixpence.

PART X.

MISCELLANEOUS.

Develop-
ment of
market site.

108.—(1) The Corporation may discontinue the market held by them in Lytham Street in the borough and may lay out and develop the site thereof and any lands adjoining the same acquired or to be acquired under the Ministry of Health Provisional Order Confirmation (Blackpool Order) Act 1925 and may erect and maintain on such site and lands shops offices warehouses and other buildings and may sell lease exchange or otherwise dispose of any such shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) Any capital moneys received by the Corporation in respect of any sale or lease under this section shall be applied by them in or towards the extinguishment of any loan raised by them under the authority of this Act for the purposes of this section or with the approval of the Minister of Health for any other purpose to which capital money may be applied.

(3) Provided that the powers of this section shall not be exercised unless and until the Corporation shall

have acquired other lands or premises situate in the borough and shall have laid out and used the same as and for a public market and market place. The substituted market shall for all purposes form part of the markets undertaking of the Corporation and the provisions of the Corporation's local Acts and any byelaws and regulations made in pursuance thereof and for the time being in force shall with the necessary modifications extend and apply to the substituted market.

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109.—(1) Section 56 (Workmen's compensation fund) of the Act of 1901 is hereby amended by the omission of the words "not exceeding one thousand pounds" and by the substitution of "fifty thousand pounds" for "ten thousand pounds" wherever those words occur.

Further provisions as to accident fund.

(2) The said fund may be used not only for the payment of compensation for injury or accidents to persons in the employ of the Corporation but also for meeting claims by third parties against the Corporation in respect of any accident occurring in the execution of any of their powers.

(3) For the purposes of the said section 56 as amended by this section persons in the employ of the Corporation shall include any teacher employed in any public elementary school in the borough whether provided by the Corporation as local education authority or not so provided or in any school for secondary education maintained by the Corporation.

110.—(1) Notwithstanding anything contained in section 53 of the Municipal Corporations Act 1882 the mayor shall be the returning officer at every election of councillors for a ward in the borough.

Returning officer at municipal elections.

(2) All or any of the duties of the returning officer at any such election may if the returning officer thinks fit be discharged by the town clerk as deputy returning officer.

111. The Corporation may declare any expenses incurred by them under the provisions of this Act or of any local Act for the time being in force in the borough or of any byelaw made thereunder which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses

Expenses may be declared private improvement expenses.

A.D. 1925.

may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

In executing works for owner Corporation liable for negligence only.

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

Evidence of appointments authority &c.

113. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act or byelaw for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Apportionment of expenses in case of joint owners.

114. Where under the provisions of this Act or any local Act in force in the borough or any byelaw made thereunder the Corporation shall construct or do any works for the common benefit of two or more buildings

belonging to different owners or on behalf or in default of two or more such owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. A.D. 1925.

115. 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 VI. (Streets buildings sewers and drains) and Part VII. (Infectious disease and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102. Power to enter premises.

116. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under the provisions of Part VI. (Streets buildings sewers and drains) or Part VII. (Infectious disease and sanitary matters) of this Act or any byelaw made under any of those provisions 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 forty shillings 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. Penalty on occupier refusing execution of Act.

117. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 apply then unless other provision is made, the reference shall be subject to the provisions of the Arbitration Act 1889. Application of Arbitration Act 1889.

A.D. 1925.
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Recovery
of demands.

118. Proceedings for the recovery of any demand made under the authority of any local enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Informa-
tions by
whom to be
laid.

119. Save as otherwise expressly provided all informations and complaints under or for the breach of any of the provisions of any local enactment or of any general Act under which the Corporation or any of their officers are empowered to take proceedings may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Saving for
indict-
ments &c.

120. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Summons or
warrant
may contain
several
sums.

121. Where the payment of more than one sum by any person is due to the Corporation under any local enactment or general Act any summons or warrant issued for the purposes of such Acts or any of them in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Confirma-
tion of bye-
laws.

122. 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 to which the provisions of the Tramways Act 1870 or of the Electric Lighting Act 1882 are made applicable.

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—

123. 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 VI. (Streets buildings sewers and drains) or Part VII. (Infectious disease and sanitary matters) of this Act or by any conviction or order made by a court of summary jurisdiction under any provision of this Act 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.

As to appeal.

124. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Compensa-
tion how
to be deter-
mined.

125.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

Inquiries
by Minister
of Health.

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

A.D. 1925.

Inquiries by
Minister of
Transport.

126. 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 or any existing Act or Order of the Corporation 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."

Powers of
Act cumu-
lative.

127. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed :

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Incorporation of sections of existing Acts.

128.—(1) The following sections of the local Acts in force in the borough shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say) :—

The Blackpool Improvement Act 1893—

Section 114 (Correction of errors omissions &c.);

Section 117 (Power to take easements &c. by agreement).

The Blackpool Improvement Act 1899—

Section 60 (Audit of accounts).

The Act of 1901—

Section 26 (Owners may be required to sell parts only of certain lands and buildings);

Section 79 (Recovery of penalties &c.).

The Blackpool Improvement Act 1905—

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Section 33. (Certain regulations of Public Health Act not to apply).

The Blackpool Improvement Act 1910—

Section 20 (Application of section 265 of Public Health Act 1875).

The Act of 1917—

Section 55 (Subsidiary works);

Section 56 (Power to alter steps areas pipes &c.);

Section 57 (For protection of telegraphic lines of Postmaster-General);

Section 61 (Temporary stoppage of streets);

Section 63 (Compensation in case of recently acquired interest);

Section 66 (Power to purchase additional lands by agreement);

Section 67 (Power to retain sell &c. lands);

Section 80 (Judges not disqualified).

The Act of 1920—

Section 15 (Extinction of private rights of way);

Subsection (1) of section 17 (Proceeds of sale of surplus lands);

Section 34 (For protection of Fylde Water Board).

(2) Provided that for the purposes of such incorporation—

(a) Section 26 of the Act of 1901 shall apply in respect of the premises referred to in the schedule to this Act;

(b) Section 61 of the Act of 1917 shall apply only in respect of Part III. (Street improvements and other works) and Part IV. (Tramways and omnibuses) of this Act; and

(c) Section 63 of the Act of 1917 shall have effect as if the twentieth day of November nineteen hundred and twenty-four were therein mentioned instead of the twentieth day of November nineteen hundred and sixteen.

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—
Saving for
Blackpool
Pier Com-
pany.

129. Except as provided by the section of this Act whereof the marginal note is "Prohibition of touting hawking &c. in certain streets and sea-shore" nothing in this Act shall take away abridge or interfere with any of the rights powers authorities and privileges of or belonging to or exerciseable by the Blackpool Pier Company by virtue of the Blackpool Pier Act and Orders 1863 to 1920.

Crown
rights.

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

Costs of
Act.

131. 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 or out of money to be borrowed for that purpose.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1925.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

Area.	Numbers on Deposited Plans.	
Borough of Blackpool -	13 14 15 16 17 18 19 20 21 22 23	
	24 25 26 27 28 29 30 31 32 33	
	34 35 36 37 38 39 40 41 42 43	
	44 45 46 47 48 49 50 51 52 53	
	54 55 56 57 58 59 60 61 62 63	
	64 65 66 67 68 69 70 96 103 104	
	105 106 107 108 109 110 111 112	
	113 114 115 116 117 118 119 120	
	121 122 123 124 125 126 127 128	
	129 130 131 132 133 134 135 136	
	137 138 141 142 145 146 147 150	
	151 152 153 154 155 156 157 158	
	159 160.	
	Parish of Carleton in the rural district of Fylde.	98 99 100 101 102.

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THE HISTORY OF THE
CITY OF BOSTON

1780

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FROM THE FOUNDATION OF THE CITY

TO THE PRESENT TIME
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