



## CHAPTER cxxii.

An Act to authorise the mayor aldermen and burgesses of the borough of Wallasey to construct a tramway promenades street improvements and other works and to provide and work trolley vehicles and to acquire the undertaking of the New Brighton Pier Company to confer further powers upon the Corporation with reference to their ferries gas water electricity tramway and omnibus undertakings and the health local government and improvement of the borough to alter the boundaries of the borough and for other purposes. [22nd December 1927.]

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**W**HEREAS the borough of Wallasey (herein referred to as "the existing borough") is a county borough under the government of the mayor aldermen and burgesses of the existing borough (herein referred to as "the Corporation") :

And whereas by the Wallasey Tramways and Improvements Act 1899 the Wallasey Tramways and Improvements Act 1906 and the Wallasey Tramways and Improvements Act 1909 the Corporation were empowered to construct maintain and work the tramways therein referred to and it is expedient to empower them to construct maintain and work the additional tramway in the borough referred to in this Act :

And whereas it is expedient to empower the Corporation to provide and work mechanically propelled

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A.D. 1927. — vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") :

And whereas powers with regard to the running of omnibuses were conferred upon the Corporation by the Wallasey Corporation Act 1920 and it is expedient to make further provision with reference to the running of omnibuses by the Corporation :

And whereas it is expedient to empower the Corporation to construct the promenades new roads street improvements and other works referred to in this Act :

And whereas under and by virtue of the New Brighton Pier Act 1864 the New Brighton Pier Company were incorporated and empowered to construct the pier in the borough which is known as "the New Brighton Pier" :

And whereas the New Brighton Pier Company have agreed to transfer to the Corporation the New Brighton Pier and the undertaking of the said company in relation thereto and it is expedient to make provision for effecting such transfer and for conferring powers upon the Corporation in relation to the undertaking so transferred to them :

And whereas the Corporation are the owners of the undertakings for supplying the existing borough with gas water and electrical energy and it is expedient to make further provision in regard to those undertakings :

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

And whereas the unrepealed provisions of the local Acts specified in Part I of the Second Schedule to this Act and of the Orders specified in Part II of that schedule are in force in the existing borough :

And whereas the existing townships of Moreton and Bidston-cum-Ford in the Wirral Rural District immediately adjoin the existing borough and one another :

And whereas it is expedient to alter and extend the boundaries of the existing borough so as to include within the borough the said township of Moreton and

the part of the said township of Bidston-cum-Ford referred to in this Act : A.D. 1927.

And whereas the existing borough is co-extensive with the existing township of Wallasey and it is expedient to alter and extend the boundaries of the existing township of Wallasey so as to include within that township the township of Moreton and the said part of the township of Bidston-cum-Ford :

And whereas it is expedient subject to the provisions set forth in this Act to extend the limits of the Corporation for the supply of gas water and electricity to include the existing borough as extended by this Act and to authorise them also to supply gas in that portion of the township of Bidston-cum-Ford which is referred to in this Act :

And whereas the Corporation are the owners of a ferries undertaking and it is expedient to make further provision as to the tolls rates and charges which the Corporation may take for the use of their ferries and steamboats :

And whereas by the Wallasey Corporation Act 1920 the rates of the existing borough were consolidated and it is expedient to make further provision with regard to the making assessment and collection of rates :

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the application of revenue derived from their several undertakings :

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

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

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

|  |        |
|--|--------|
| (a) The construction of the tramway authorised by this Act | £      |
| - - - - -  | 2,100  |
| (b) The electrical equipment of the said tramway           | 150    |
| - - - - -  |        |
| (c) The provision of trolley vehicles                      | 11,200 |

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|             |   |                 |
|-------------|---|-----------------|
| A. D. 1927. | (d) The provision of electrical equipment and the construction of other works necessary for working such trolley vehicles - - - - - | £<br><br>15,500 |
|             | (e) The erection of buildings for the purposes of the trolley vehicles of the Corporation - - - - -                                 | 20,000          |
|             | (f) The construction of the promenades new roads street improvements and other works authorised by this Act -                       | 895,986         |
|             | (g) The reconstruction and improvement of the New Brighton Pier - - -   | 15,000          |

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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 of Chester which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Wallasey Corporation Act 1927.



2. This Act is divided into Parts as follows:— A.D. 1927.
- |   |                             |
|---|-----------------------------|
| Part I.—Preliminary.                              | —                           |
| Part II.—Tramways trolley vehicles and omnibuses. | Division of Act into Parts. |
| Part III.—Works and lands.                        |                             |
| Part IV.—New Brighton Pier.                       |                             |
| Part V.—Gas water and electricity.                |                             |
| Part VI.—Streets buildings sewers and drains.     |                             |
| Part VII.—Sanitary provisions.                    |                             |
| Part VIII.—Police provisions.                     |                             |
| Part IX.—Borough extension.                       |                             |
| Part X.—Finance and rating.                       |                             |
| Part XI.—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):— Incorporation of Acts.

(a) The Land Clauses Acts with the following exception and modification:—

(i) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(ii) 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:

(b) Section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870:

Provided that the said section 19 shall be read and have effect as if the words “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 ” were omitted from that section:

(c) The Harbours Docks and Piers Clauses Act 1847 except sections 16 17 18 19 50 84 and 85 thereof:

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Provided that—

- (i) The following expressions used in the Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “Post Office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “Post Office bag of letters” means a mail bag as defined by the same Act;

- (ii) Nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

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 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—

“The appointed day” means the first day of April nineteen hundred and twenty-eight;

“The borough” means the existing borough of Wallasey as extended by this Act;

“The Corporation” means as the context requires the mayor aldermen and burgesses of the existing borough or of the borough acting by the council;

“The council” means the council of the borough;

“The mayor” “the town clerk” “the treasurer” “the medical officer” and “the sanitary inspector” mean respectively the mayor the town clerk the treasurer the medical officer of health and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

- “The dock board” means the Mersey Docks and Harbour Board; A.D. 1927.
- “The Mersey Dock Estate” means the estate for the time being of the dock board;
- “Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;
- “Trolley vehicle routes” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;
- “Omnibus” has the meaning assigned to it by section 3 (Interpretation) of the Act of 1920;
- “The Corporation tramways” means the tramways for the time being belonging to or authorised to be constructed by the Corporation;
- “The Birkenhead Corporation” means the mayor aldermen and burgesses of the borough of Birkenhead;
- “Road authority” means with reference to any road or part of a road over which any proposed trolley vehicle service or 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;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “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;
- “The Pier Act of 1864” means the New Brighton Pier Act 1864;
- “The company” means the New Brighton Pier Company incorporated by the Pier Act of 1864;
- “The receivers” means the receivers of the undertaking of the company appointed by order of the Chancery Division of the High Court of Justice dated the fifteenth day of August nineteen hundred and twenty-three in an action by the trustees of the Royal London Mutual Insurance Society Limited against the company;

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- “The undertaking of the company” means the pier known as “the New Brighton Pier” the construction of which was authorised by the Pier Act of 1864 and all other the works lands buildings and plant and all other the real and personal property assets and effects of whatever nature and all the rights powers authorities and privileges vested in or belonging to or had or enjoyed by the company but does not include (a) the cash (if any) in the hands of the company or in those of their bankers or agents or in the hands of the receivers on the date of transfer (b) all rents and book and other debts due to the company up to the date of transfer (c) the books and papers of the company and (d) the redemption policy held by the Royal London Mutual Insurance Society Limited as part of their security as first debenture holders of the company;
- “The date of transfer” means the seventh day after the date of the passing of this Act;
- “The pier” means the said New Brighton Pier;
- “Food” has the meaning assigned to it by section 26 of the Sale of Food and Drugs Act 1899;
- “Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;
- “The Rating Act” means the Rating and Valuation Act 1925;
- “The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough or until the date when the first new valuation list made under Part II of the Rating Act comes into force in the borough the borough fund and the borough rate of the borough;
- “The county” and “the county council” mean respectively the administrative county of Chester and the county council of that county;
- “The Wirral District” and “the Wirral Council” mean respectively the Wirral Rural District and the Wirral Rural District Council;

- “ The added part of Bidston ” and “ the excluded part of Bidston ” mean respectively the part of the existing township of Bidston-cum-Ford which is coloured blue on the borough map and the remaining part of that township; A.D. 1927.
- “ The added areas ” means the area of the existing township of Moreton and the added part of Bidston;
- “ The township ” means the township of Wallasey;
- “ The Birkenhead Union ” “ the Wirral Union ” “ the Birkenhead Guardians ” and “ the Wirral Guardians ” mean respectively the poor law unions bearing those names and the respective boards of guardians of those unions;
- “ The Hoylake Council ” means the Hoylake and West Kirby Urban District Council;
- “ The borough map ” means the map marked “ Map “ of the borough of Wallasey as extended by the “ Wallasey Corporation Act 1927 ” and signed in triplicate by the Right Honourable Viscount Younger of Leckie the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;
- “ The ward map ” means the map marked “ Map “ of the new wards of the borough of Wallasey “ as extended by the Wallasey Corporation Act “ 1927 ” and signed in triplicate by the Right Honourable Viscount Younger of Leckie the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;
- “ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894;

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“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and “the Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“The Act of 1907” and “the Act of 1918” mean respectively the Public Health Acts Amendment Act 1907 and the Representation of the People Act 1918;

“Existing” in relation to any area altered by this Act means existing immediately before the appointed day;

“Local authority” means (for the purposes of Part IX of this Act) a local authority as defined in section 34 (Definitions) of the Local Loans Act 1875 and includes a standing joint committee of a county;

“Officer” includes a servant and any person whose remuneration is paid by a local authority;

“The Minister” means the Minister of Health;

“The local Acts” means the local Acts specified in Part I of the Second Schedule the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders and each of the Acts specified in Part I of the said schedule is referred to as the Act of the year in which it was passed;

The expressions “statutory borrowing power” and “statutory security” have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1901;

“Revenues of the Corporation” has the meaning assigned to it by section 3 (Interpretation) of the Act of 1920.

## PART II.

### TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

Power to  
make  
tramway.

5. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramway hereinafter described in the lines and



according to the levels shown on the deposited plans and sections with all proper rails plates junctions turn-outs crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith. Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. A.D. 1927.

The tramway hereinbefore referred to and authorised by this Act will be situate in the borough and is—

Tramway No. 1 (4.54 chains in length whereof 1.14 chains will be single line and 3.4 chains will be double line) commencing in Wallasey Village passing into and along Harrison Drive and terminating therein at a point 4.54 chains or thereabouts from its point of commencement.

6. The tramway authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted 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. Period for completion of tramway.

7. The tramway authorised by this Act and the works connected therewith shall for all purposes form part of the tramway undertaking of the Corporation and the provisions (as amended by this Act) of the Act of 1899 the Act of 1906 section 10 of the Act of 1909 and the Act of 1920 and of the enactments incorporated therewith respectively and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramway and works as if they had formed part of the tramways and works authorised by those enactments. Provided that nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws and regulations. Tramway to form part of tramway undertaking of Corporation.

8. Subsection (2) of section 10 of the Act of 1906 shall be read and have effect as if the words "generated" Amendment of section 10 of Act of 1906.

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— that subsection in substitution for the words “ generated  
by the Council.”

Power to  
use trolley  
vehicles.

9. The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following trolley vehicle routes in the borough (that is to say):—

Route No. 1 From the New Brighton Ferry Pier along the existing marine promenade the proposed new promenade (Work No. 1 by this Act authorised) Harrison Drive Wallasey Village Perrin Road Broadway Broadway Avenue the proposed new road on the Corporation’s housing estate to the tramways depôt of the Corporation in or near to Seaview Road;

Route No. 2 From the junction of Belvidere Road with Broadway Avenue along Belvidere Road to Wallasey Road then along Wallasey Road to Liscard Village corner;

Route No. 3 From the junction of Belvidere Road with Broadway Avenue along Belvidere Road Rolleston Drive and Sea Road to its junction with Route No. 1;

and with the consent of the Minister of Transport along any other street in the borough which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access thereto from any depôt garage building or work of the Corporation :

Provided that before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

As to elec-  
trical works.

10.—(1) Subject to the provisions of this Act the Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run trolley vehicles or in under or over the surface of the streets or roads along which it may be necessary or convenient so to do for the purpose of providing access for the trolley vehicles to any car-shed or depôt used in connection with the

trolley vehicle undertaking or along which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station provide place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles by electrical power and may for that purpose subject to the provisions of this Act or of any enactment incorporated therewith or applied thereby open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles Provided that no post or other apparatus shall be erected upon the carriageway of any public street or road except with the consent of the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) In this section the expression "generating station" has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

**11.** The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers of this Part of this Act so far as they relate to trolley vehicles (that is to say):—

For protection of London Midland and Scottish Railway Company.

(1) In this section the word "apparatus" means standards brackets conductors mains cables wires posts poles and any other apparatus and equipment for the purposes of working trolley vehicles:

(2) All apparatus authorised by or in pursuance of this Act where the same shall be erected or placed upon across under or over any bridge or other work belonging to or maintainable

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by the company or will otherwise affect the same shall be erected or placed and maintained so as not to affect injuriously the structure of any such bridge or other work of the company and according to plans and particulars to be previously submitted to and reasonably approved by the company. Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans and particulars they shall be deemed to have approved thereof. All such apparatus shall be erected or placed under the superintendence (if the same be given) and to the reasonable satisfaction of the company. The Corporation shall so construct maintain and use the apparatus as not to affect injuriously any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expense of so doing :

(3) The Corporation shall on demand pay to the company the reasonable expense (if any) of watching the railway and property of the company which shall be necessary during and in consequence of the execution or repair by the Corporation under or in pursuance of this Part of this Act of any apparatus affecting any bridge or other work belonging to or maintainable by the company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of either of them :

(4) The Corporation shall not in any manner in the execution maintenance user or repair of any apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to or maintainable by the company or any traffic thereon :

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(5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railway or to any company or person using the same by or by reason of the execution or failure of any of the apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employment or of any contractors in connection with the apparatus or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

(6) If the company in the exercise of their existing powers shall hereafter require to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other works under or upon which any apparatus is laid or to widen or alter any railways thereunder or thereover the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that the apparatus be taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable dispatch and the company shall



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not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

- (7) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the works or apparatus :
- (8) If and when the company shall require to reconstruct alter repair or paint any bridge under which any apparatus of the Corporation has been placed and if it shall be reasonably necessary for them so to do the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (9) If having regard to the proposed position of any apparatus of the Corporation authorised by or in pursuance of this Part of this Act when considered in relation to the position of the works of the company at any point where any apparatus will be constructed over or under any railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that any electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation Provided that ten days' notice of their



intention to execute such works shall be given by the company to the Corporation: A.D. 1927.

(10) The Corporation shall not for the purposes of this Part of this Act make attachments to any bridge or other property forming part of the railway of the company without the consent in writing of the engineer of the company which consent shall not be withheld unreasonably and such attachments if allowed shall be temporarily removed at any time when required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge or other property:

(11) If any difference shall arise under this section between the Corporation and the company such difference shall be referred to arbitration the arbitrator being appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**12.** Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person except by agreement with the Corporation using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

**13.—**(1) The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and the licences of drivers) and subject to that exception neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

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(2) The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

Licence  
duties on  
trolley  
vehicles.

14. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

Approval of  
vehicles by  
Minister of  
Transport.

15.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

(2) Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

Inspection  
by Minister  
of Trans-  
port.

16. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by an officer appointed by the Minister of Transport.

Application  
of certain  
provisions  
of Tram-  
ways Act  
1870 to  
trolley  
vehicles.

17.—(1) The following provisions of the Tramways Act 1870 (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 and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power

were tramways and as if the said trolley vehicles were A.D. 1927.  
carriages used on tramways :—

Part II (Relating to the construction of tramways) except sections 25 28 and 29;

Section 41 (Tramways to be removed in certain cases);

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 53 (Penalty for bringing dangerous goods on the tramway);

Section 55 (Promoters or lessees to be responsible for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this Act shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

**18.**—(1) Subject to the provisions of this Act the following provisions of the Act of 1899 the Act of 1906 (as amended by this Act) the Act of 1909 and the Act of 1920 shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say) :—

Application of certain tramway provisions to trolley vehicles.

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A.D. 1927.

The Act of 1899—

- Section 30 (Passengers' luggage);
  - Section 31 (Rates for goods);
  - Section 32 (Council not bound to carry animals and goods);
  - Section 33 (As to fares on Sundays or holidays);
  - Section 34 (Cheap fares for labouring classes);
  - Section 37 (Motive power);
  - Section 39 (Special provisions as to use of electrical power);
  - Section 40 (For protection of Postmaster-General);
  - Section 42 (Byelaws);
  - Section 47 (Power to acquire patent rights);
- The Second Schedule.

The Act of 1906—

- Section 10 (Amendment of provisions for protection of Postmaster-General);
- Section 11 (Attachment of brackets to buildings);
- Section 14 (Waiting rooms);
- Section 15 (Penalty for malicious damage).

The Act of 1909—

- Section 10 (Use of tramway posts by Postmaster-General).

The Act of 1920—

- Section 21 (Cloak-rooms &c.);
- Section 22 (Power to reserve cars for special purposes);
- Section 24 (Stopping and starting places);
- Section 25 (Through cars and omnibuses);
- Section 26 (Attachment of signs indicating stopping places to lamp-posts &c.);
- Section 27 (Lost property);
- Section 28 (Payment of fares rates and charges);
- Section 29 (As to byelaws under this Part of this Act);

Section 30 (Increase of rates for passengers on tramways); A.D. 1927.

Section 31 (Periodical revision of travelling rates and charges);

Section 32 (Use of tramways for sanitary purposes);

Section 34 (Power for Corporation to suspend traffic).

(2) In the application of the said provisions of the Act of 1899 the Act of 1906 the Act of 1909 and the Act of 1920 the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said Acts and as if trolley vehicles were carriages used on the Corporation tramways and as if the trolley vehicle undertaking authorised by this Act formed part of the tramway undertaking authorised by the said Acts.

19.—(1) (a) If at any time hereafter the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 within the borough (other than the streets or roads in this Part of this Act hereinbefore referred to) they may make application to the Minister of Transport describing the route and the Minister of Transport shall be and is hereby empowered to make a Provisional Order authorising the use of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and containing such incidental provisions as the said Minister may deem expedient and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road or roads were authorised by this Act.

Minister of Transport may authorise new routes.

(b) Any Order made by the Minister of Transport under this section in relation to a road along which any tramways are for the time being situate may make provision for and in relation to the temporary or permanent abandonment or discontinuance of such tramways.

(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall—

(a) have published once in each of two successive weeks in the months of October or November notice of their intention to make such applica-

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*Act, 1927.*

A.D. 1927.

tion in some newspaper or newspapers circulating in the borough;

(b) have also published such notice once in the months of October or November in the London Gazette;

(c) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister of Transport any objections to the grant of such application.

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he thinks fit direct an inquiry to be held in the borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Minister of Transport expedient and proper that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a



Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

A.D. 1927.  
—

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *prima facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister of Transport in connection with any inquiry under this section shall be paid by the Corporation.

**20.** The Corporation shall perform in respect of trolley vehicles such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

Conveyance  
of mails.

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

Trolley  
vehicles to  
form part  
of tramway  
under-  
taking.

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

Accounts  
to be  
furnished to  
Minister of  
Transport.

**23.—**(1) The Corporation on the one hand and any local authority company body or person owning or working any tramways or trolley vehicles which may now or hereafter be connected with any tramways or trolley vehicle routes of the Corporation on the other

Working  
agreements  
for tram-  
ways and  
trolley  
vehicles.

A.D. 1927. hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

- (a) The formation of junctions between the tramways and trolley vehicle routes of the contracting parties;
- (b) The leasing working running over using maintaining and managing by either of the contracting parties of the tramways or trolley vehicles or any of the tramways or trolley vehicle routes of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways or trolley vehicles of rolling stock or trolley vehicles necessary for the purposes of such agreement and the employment of officers and servants;
- (d) The supply of motive power;
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways or trolley vehicles of the contracting parties.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways or trolley vehicles of the other the tramways or trolley vehicles of the parties so contracting shall for the purposes of calculating maximum fares and charges in respect of conveyance partly over the tramways or trolley vehicles of the one party and partly over those of the other be considered as one tramway or trolley vehicle route and the maximum charge for each portion of the entire distance over which conveyance takes place shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

24.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses with the consent of the Minister of Transport and the Birkenhead Corporation along any route within the borough of Birkenhead (including any area included in that borough by the Birkenhead Extension Act 1927).

A.D. 1927.

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Power to  
run  
omnibuses.

(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 the Birkenhead Corporation) 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 the Minister of Transport may direct an inquiry to be held.

(3) Subject to the provisions of this Act the provisions of Part III (Omnibuses and tramways) of the Act of 1920 in so far as those provisions relate to the omnibuses of the Corporation shall extend and apply with any necessary modifications to the omnibuses provided maintained and run by the Corporation under the provisions of this section.

25.—(1) (a) Before the Corporation commence to run omnibuses over any road or part of a road under the provisions of this Act 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 and if so what sum of money per mile of road so to be adapted altered or reconstructed shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration or reconstruction.

Adaptation  
of roads.

(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

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A.D. 1927. 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 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 in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road 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.

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

(2) If any such adaptation alteration or reconstruction as aforesaid shall involve an alteration of any telegraphic line 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.

(3) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Corporation. A.D. 1927.

(4) Nothing in this Act shall impose any obligation upon any railway company to strengthen adapt alter or reconstruct any bridge (including the approaches thereto) maintainable by them or enlarge any existing obligation.

**26.**—(1) The Corporation and the Birkenhead Corporation may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of any Act or Acts under which such omnibus services are respectively authorised. Omnibus working and other agreements.

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

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

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



A.D. 1927.

- (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.

For protec-  
tion of  
dock board.

**27.** The Corporation shall not—

- (a) provide maintain equip or use trolley vehicles under the section of this Act of which the marginal note is “Power to use trolley vehicles” on any street or road forming part of the Mersey Dock Estate;
- (b) exercise the powers of the section of this Act of which the marginal note is “As to electrical works” in respect of any such street or road;
- (c) make application under the provisions of the section of this Act of which the marginal note is “Minister of Transport may authorise new routes” for a Provisional Order authorising the use of trolley vehicles on any such street or road;
- (d) run omnibuses under the provisions of the section of this Act of which the marginal note is “Power to run omnibuses” along any such street or road;

except with the consent in writing of the dock board which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to and determined by the Minister of Transport.

PART III.

WORKS AND LANDS.

Power to  
construct  
works.

**28.**—(1) Subject to the provisions of this Act the Corporation may make and maintain the following works in the lines and according to the levels shown upon the deposited plans and sections together with all such footways carriageways approaches landing places slip-



ways steps sewers drains junctions connections retaining walls works and conveniences as may be necessary or convenient. A.D. 1927.

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

Work No. 1 A sea wall and embankment with promenade and carriageway commencing at a point 300 yards or thereabouts west of the north end of Harrison Drive and terminating at a point 50 yards or thereabouts west of the north end of Waterloo Road;

Work No. 2 A road commencing at a point 300 yards or thereabouts south-west of the north end of Harrison Drive and terminating by a junction with Work No. 1 at a point 260 yards or thereabouts north-west of the western end of Wellington Road;

Work No. 3 A widening and extension of Harrison Drive commencing at the north-western end of the railway bridge carrying Harrison Drive over the London Midland and Scottish Railway and terminating by a junction with Work No. 1 at a point 300 yards or thereabouts east of its commencement;

Work No. 4 A road commencing at the north end of Groveland Road and terminating by a junction with Work No. 3 hereinbefore described;

Work No. 5 A road commencing by a junction with Work No. 3 and terminating by a junction with Work No. 7 hereinafter described;

Work No. 6 A widening and extension of Sandcliffe Road commencing at the bridge carrying the London Midland and Scottish Railway over that road and terminating by a junction with Work No. 1;

Work No. 7 A widening and extension of Sea Road commencing at the bridge carrying the London Midland and Scottish Railway over that road and terminating by a junction with Work No. 1;

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- Work No. 8 An extension and improvement of Portland Street commencing at Wellington Road and terminating by a junction with Work No. 1;
- Work No. 9 An extension and improvement of Atherton Street commencing at Wellington Road and terminating by a junction with Work No. 1;
- Work No. 10 A sea wall and embankment with promenade and carriageway commencing by a junction with Work No. 1 and terminating at a point 150 yards or thereabouts north of the termination of Work No. 1;
- Work No. 11 A swimming bath to be situate to the north of the western termination of the existing promenade;
- Work No. 12 A marine lake extending from a point north of the junction of Rowson Street with the existing promenade to the most easterly bastion of that promenade;
- Work No. 13 An outfall sewer commencing at or near to the junction of Rowson Street with the existing promenade and terminating at a point 200 yards or thereabouts north of the Perch Rock Battery;
- Work No. 16 A widening of Station Road on the north-east side thereof;
- Work No. 17 A widening of Liscard Grove on the north-east side thereof;
- Work No. 18 A widening and improvement of Grosvenor Street on the westerly side thereof;
- Work No. 19A A widening of Wallasey Village on the north-east side thereof;
- Work No. 19B A widening of Wallasey Village on the south-westerly side thereof and of Leasowe Road on the north-westerly side thereof;
- Work No. 20 A widening of Poulton Road on the south side thereof;
- Work No. 21 A widening of Seabank Road on the south-west side thereof;
- Work No. 22 A further widening of Seabank Road on the south-west side thereof;

Work No. 23 A further widening of Seabank Road on the south-west side thereof; A.D. 1927.

Work No. 24A A widening of Harrison Drive on the easterly side thereof (including a widening of the bridge carrying that road over the London Midland and Scottish Railway) and a widening of Grove Road on the north side thereof;

Work No. 24B A widening of Harrison Drive on the westerly side thereof.

**29.** In the construction of the works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade and the Minister of Transport.

Limits of deviation.

**30.** Works Nos. 1 10 12 and 13 authorised by this Part of this Act shall be completed within fifteen years from the passing of this Act.

Period for completion of certain works.

**31.**—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things (namely):—

Power to make subsidiary works.

(a) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works;

(b) Raise lower or alter any vault arch cellar or area under or adjoining any roadway or foot-way but so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

(c) Execute any works for the protection of any adjoining land or buildings;

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(d) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and

(e) Raise lower alter and interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not raise lower alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Application  
of road  
materials  
excavated  
in con-  
struction  
of works.

**32.** Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Power to  
take lands.

**33.** Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of the works authorised by this Act or for the purpose of laying out gardens and pleasure grounds or for other the purposes of this Act including the provision of space for the erection of buildings adjoining or near to the works authorised by this Part of this Act and the exercise of the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to develop lands &c."

Limiting  
quantity of  
common  
lands to be  
taken.

**34.** The quantity of the common or commonable lands known as "the Hundred Yards Strip of Sand Hills" in the borough which may be taken by the Corporation under the powers of this Act shall not exceed twenty-six acre.

**35.** The powers of the Corporation for the compulsory purchase of lands for the purposes of Part II and this Part of this Act shall cease after the expiration of five years from the thirty-first day of October nineteen hundred and twenty-seven.

A.D. 1927:  
 —  
 Period for compulsory purchase of lands.

**36.** All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Land laid into streets to form part thereof.

**37.** The following sections of the Act of 1896 the Act of 1899 the Act of 1901 the Act of 1906 and the Act of 1920 so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act shall with any necessary modifications extend and apply to and in relation to the works authorised by and the exercise of the powers of this Part of this Act as if the same were re-enacted in this Act (namely) :—

Application of provisions of previous Acts.

The Act of 1896—

- Section 18 (Promenade to be a public highway and repairable as such);
- Section 20 (Power to erect shelters &c. on promenade).

The Act of 1899—

- Section 6 (Correction of errors &c. in deposited plans and book of reference);
- Section 8 (Owners may be required to sell parts only of certain lands and buildings);
- Section 10 (Persons under disability may grant easements &c.);
- Section 13 (Power to retain sell &c. lands);
- Section 14 (Proceeds of sale of surplus lands).

The Act of 1901—

- Section 65 (Power to erect maintain and let conservatories refreshment rooms &c.);
- Section 66 (Seats chairs and shelters for public use).

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The Act of 1906—

- Section 18 (Byelaws as to promenades);
- Section 24 (Provisions as to compensation);
- Section 29 (Temporary stoppage of streets);
- Section 107 (Council may erect reading refreshment rooms &c.);
- Section 108 (Power to provide apparatus for games).

The Act of 1920—

- Section 79 (Power to charge for use of buildings &c.):

Provided that—

- (a) Section 8 of the Act of 1899 shall for the purposes of such application apply in respect of the premises referred to in the First Schedule to this Act and those premises shall be the scheduled properties within the meaning of that section;
- (b) In the application of the said section 13 of the Act of 1899 the Corporation shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any lands or any interests therein acquired by them under this Act except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained;
- (c) The said section 24 of the Act of 1906 shall for the purposes of such application have effect as if "the fifteenth day of November nineteen hundred and twenty-six" were therein mentioned instead of "the first day of January nineteen hundred and six."

Benefits to be set off against compensation.

**38.** In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining



lands arising out of the construction of any of the works authorised by this Part of this Act or arising through such adjoining lands becoming lands fronting on any such work shall be fairly estimated and shall be set off against the said compensation or purchase money. A.D. 1927.

**39.**—(1) The Corporation may lay out and develop and erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any lands acquired by them under the powers of this Act and not required for the purposes of the works authorised by this Act and on lands belonging to the Corporation and adjacent to such last-mentioned lands and may sell lease exchange or otherwise dispose of any such houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit. Power to develop lands &c.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put :

Provided that the Corporation shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any such lands or any interests therein except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(4) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the Corporation and may be exercised in respect of the lands known as Harrison Park notwithstanding any covenant contained in any deed or other document to the contrary and notwithstanding any rights existing thereover at the date of this Act.

A.D. 1927.

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Powers with  
reference to  
leases of  
surplus  
lands.

40.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or of lands belonging to the Corporation and adjacent to such last-mentioned lands and may in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

For further  
protection  
of London  
Midland and  
Scottish  
Railway  
Company.

41. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") unless otherwise agreed in writing between the company and the Corporation shall apply and have effect in relation to the exercise of the powers of this Part of this Act (that is to say):—

(1) (a) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not acquire any land or property belonging to the company except that the Corporation may on the terms and subject to the conditions hereinafter contained acquire the land and property hereinafter in paragraphs (b) and (c) hereof referred to;

(b) The company shall (provided the Corporation acquire and sell to the company the land hereinafter in this subsection mentioned) sell to the Corporation for the purpose of widening Harrison Drive authorised by this Act all the interest of the company in the three pieces of land containing one thousand four hundred and eighty-five square yards or there-

abouts particularly delineated and coloured blue on the plan marked "A" and signed by Frederick John Stannard on behalf of the company and Lionel St. George Wilkinson on behalf of the Corporation together with such easement or right over the land of the company hatched blue on the said plan marked "A" as may be necessary for the construction and user of the said widening and the Corporation shall use their best endeavours to acquire and (when acquired) shall sell to the company in exchange for the said land coloured blue the land containing one thousand four hundred square yards or thereabouts particularly delineated and coloured red on the said plan marked "A";

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(c) The company shall sell to the Corporation for the general purposes of the Corporation all the interest of the company in the land containing forty-two thousand four hundred and forty-four square yards or thereabouts particularly delineated and coloured red on the plan marked "B" and signed by Lionel St. George Wilkinson on behalf of the Corporation and Frederick John Stannard on behalf of the company;

(d) The Corporation will sell to the company the two pieces of land containing twelve thousand eight hundred square yards or thereabouts particularly delineated and coloured blue on the said plan marked "B";

(e) The sum to be paid by the Corporation or the company for equality of exchange in respect of the lands delineated as aforesaid on the said plans marked "A" and "B" shall be determined failing agreement between the Corporation and the company by a single valuer to be appointed (failing agreement) by the President of the Surveyors' Institution. For the purposes of such valuation the provisions of the Arbitration Act 1889 shall and the provisions of the Lands Clauses Acts shall not apply. Provided always that if in assessing the said sum the valuer shall consider that there

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is due to the company anything in respect of the special suitability or adaptability of the land to be sold by the company to the Corporation he shall take into account the suitability or adaptability to the company of the land to be acquired by them from the Corporation;

(f) Within three months after the determination of the sum to be paid for equality of exchange as aforesaid the Corporation shall produce to the Commissioners of Inland Revenue the conveyance or conveyances or other instrument or instruments effecting the exchange duly stamped with the ad valorem duty to which they shall be liable and in default of such production ad valorem stamp duty of the amount which would be payable on a conveyance on sale for a consideration equal in amount to the sum to be paid for equality of exchange executed on the day of such determination together with interest on such duty at the rate of five per centum per annum from the time hereinbefore fixed for production until payment shall be a debt due from the Corporation to His Majesty :

- (2) The Corporation shall before they commence the construction of so much of any of the works by this Part of this Act authorised (in this section referred to as "the street works") as shall or may pass over adjoin or in any way affect the railway property or works of the company submit to the principal engineer of the company (in this section called "the principal engineer") plans sections and specifications of the street works proposed to be carried out by the Corporation for the reasonable approval of the principal engineer and on such plans shall show the stages by which it is intended to carry out the street works Provided that if within twenty-one days from the submission of such plans sections and specifications the principal engineer does not signify to the Corporation his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof :

- (3) The street works shall be constructed only according to such plans sections and specifications as shall be approved or deemed as aforesaid to be approved by the principal engineer or determined by arbitration and shall be constructed under the superintendence if given and to the reasonable satisfaction of the principal engineer : A.D. 1927.
- (4) The Corporation shall construct the widening of the bridge carrying Harrison Drive over the railway by an addition to the existing bridge having a span of not less than twenty-seven feet and a clear headway of not less than fifteen feet six inches above the existing level of the rails :
- (5) The new structures of the said bridge carrying Harrison Drive over the railway of the company shall when completed be maintained by the company with the headway aforesaid and the reasonable cost incurred by them in so doing shall be repaid by the Corporation to the company The footways over the said bridge and any widening of the road thereon shall be maintained by and at the expense of the Corporation :
- (6) The Corporation shall before carrying out so much of works numbered 5 6 and 7 or any lowering of Sea Road in connection therewith (in this section included in the expression "street works") as will be below the existing level of the ground construct such retaining walls or other works as may be reasonably necessary to support the railway works and property of the company and shall provide reasonable access to the Warren Drive Station of the company :
- (7) The Corporation shall not commence the construction of the street works until all works of strengthening or underpinning of the abutments and wing walls of the bridges carrying the railway of the company and any temporary works which may be reasonably necessary to support and to ensure the safety of the railway works and property of the company shall



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have been completed. Provided that such strengthening underpinning or temporary works may (if the company so determine and of such their determination give to the Corporation notice in writing within twenty-one days after the submission of plans sections and specifications to them in accordance with the foregoing provisions of this section and if the company proceed with all reasonable dispatch to carry out the same) be carried out by the company and any expenses reasonably incurred by the company in so doing (including compensation payable to any workmen or the legal representatives or dependents of workmen who may be injured or killed whilst employed by the company on or about such works) shall be repaid by the Corporation to the company :

- (8) If it shall be reasonably necessary at any time (either before or during the construction or within five years after the completion of the street works or any part thereof and in consequence of such construction) that any further or other works or appliances be constructed or measures of precaution taken either by way of addition to the existing works of the company or in connection with the street works or in relation to the method of construction of the street works so as to prevent the subsidence of or injury to any of the railways works or property of the company the Corporation shall on being thereunto reasonably required in writing under the hand of the principal engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and reasonably approved by the surveyor to the Corporation such works or take such measures of precaution including the temporary cessation of the construction of the street works as the principal engineer shall reasonably require. The construction of the street works when commenced shall proceed without cessation except as aforesaid and with all reasonable dispatch :



- (9) Notwithstanding the approval of plans sections and specifications or supervision by or completion to the satisfaction of the principal engineer as aforesaid and notwithstanding the compliance by the Corporation with the provisions of this section if during and in consequence of the execution of the street works the said railway of the company or any of the works connected therewith or any property of the company shall be injured or damaged the company shall be entitled forthwith to make good such injury or damage and shall recover the amount reasonably expended in so doing from the Corporation : A.D. 1927.
- (10) The Corporation shall not in executing the street works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway and property of the company or any traffic thereon and if at any time or times hereafter the free and uninterrupted user of the railway of the company or any traffic thereon shall be obstructed hindered or interfered with by the Corporation contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which the company may be put and compensation for the loss sustained by the company by reason of any such interruption or interference :
- (11) Notwithstanding anything contained in this Act the Corporation shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to their railways works or property or to any person or persons using the same by reason of the construction alteration or maintenance of the street works or of the failure of any part thereof repairable by the Corporation or of any act or omission of the Corporation or of any of the persons in their employment or of their contractors and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason

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of such construction alteration maintenance failure or omission :

- (12) During the construction of the street works and of any of the further works mentioned in this section the Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them of such inspectors and watchmen (if any) to be appointed by the company as may be reasonably necessary for inspecting the street works and further works as aforesaid and for watching their railway and the works and conveniences connected therewith in order to prevent as far as may be all interference, obstruction danger and accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employment and the Corporation shall at all times give ample facilities to the principal engineer and his assistants or inspectors for full and free access to the said street works during or after construction and shall also furnish him or them with every information he or they may reasonably require with regard to such street works or the method of construction thereof :
- (13) If by reason of the construction of the street works it shall become necessary in the opinion of the principal engineer to add to or alter any signal or signal apparatus or telegraphs on the railway of the company the same shall be so added to or altered by the company and the reasonable expense thereof shall be repaid by the Corporation to the company :
- (14) If the company shall at any time after the construction of the street works desire to widen alter or extend their railway or any of the works or conveniences connected therewith the Corporation shall give to the company every reasonable facility for the execution of such widening alteration or extension and any additional expense to which the company may be put in carrying out any such widening alteration or extension by reason of the con-

struction of the street works shall be repaid to them by the Corporation : A.D. 1927.

- (15) Any difference which shall arise between the Corporation and the company or their respective engineers under this section other than subsection (1) thereof shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

#### PART IV.

##### NEW BRIGHTON PIER.

42.—(1) Subject to the payment of the consideration referred to in subsection (2) of this section and to the other provisions of this Act as from the date of transfer the undertaking of the company shall by virtue of this Act be transferred to and shall vest in the Corporation freed and discharged from all debentures debenture stock mortgages charges debts and liabilities upon or affecting the same and from all contracts obligations and engagements of the company.

Transfer of  
under-  
taking of  
company  
to Corpora-  
tion.

(2) The price or consideration to be paid by the Corporation to the company in respect of such transfer shall be the sum of thirteen thousand pounds and that sum shall on the date of transfer be paid by the Corporation—

- (a) as to three thousand six hundred pounds to the Royal London Mutual Insurance Society Limited the first debenture-holders of the company in full satisfaction of all claims of the said first debenture-holders for principal interest costs charges and expenses including their costs in the action in which the receivers have been appointed and the remuneration of the receivers but on the footing that the Royal London Mutual Insurance Society Limited retain for their own benefit the redemption policy held by them as part of their security as first debenture-holders of the company;

- (b) as to the balance to the company.

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(3) The production of a King's Printer's copy of this Act duly stamped together with receipts for the price or consideration purporting to be sealed by the Royal London Mutual Insurance Society Limited and the company respectively or signed by the cashier of the Bank of England shall (unless it be proved that the price or consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the undertaking of the company.

(4) The sealed receipt of the Royal London Mutual Insurance Society Limited and the company respectively for any money paid to them by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Corporation are unable to obtain any such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of the Royal London Mutual Insurance Society Limited or the company as the case may be.

(5) As from the date of transfer—

- (a) Sections 4 to 16 inclusive 34 and 35 of the Pier Act of 1864 shall be repealed except so far as may be necessary to give effect to the provisions of this Part of this Act and to enable the company to wind up their affairs;
- (b) Sections 37 to 40 inclusive and sections 42 43 and 45 of the Pier Act of 1864 and the words "or shall assault interrupt or obstruct" any person employed in the collection of "the said tolls" in section 33 of that Act are hereby repealed;
- (c) Except as hereinbefore provided the provisions of the Pier Act of 1864 shall with the necessary modifications be read and have effect as if the Corporation were therein referred to instead of the company and the Corporation

may exercise all powers conferred and shall be subject to all the duties and obligations imposed upon the company by those provisions of that Act. Provided that in its application to the Corporation the schedule to the Pier Act of 1864 shall be read and have effect as if the sum of threepence were therein mentioned in each case in lieu of the sum of twopence.

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43. The company shall remain liable for all outgoings of every kind and shall be entitled to all receipts from the undertaking of the company accruing or incurred up to the date of transfer and all receipts and outgoings accruing or incurred after that date shall be taken and borne by the Corporation and for this purpose any necessary apportionments shall be made.

Company to pay outgoings and be entitled to receipts until transfer.

44. If at the date of transfer any action (other than the action by the first debenture-holders of the company) arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not passed. Provided always that all liability of the company to the Corporation under the covenants for repair contained in the lease of the pier to the company shall be deemed to be cancelled and no proof in respect thereof shall be made in the liquidation of the company.

Rights of and against the company.

45. All books and documents which if the transfer of the undertaking of the company had not been made would have been receivable in evidence in respect of any matter for or against the company shall after the date of transfer be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Books &c. to remain evidence.

46.—(1) From and after the date of transfer the company shall continue to exist only for the purpose of receiving and recovering the sum payable to the company under the section of this Act of which the marginal note is "Transfer of undertaking of company to Corporation" and distributing or otherwise applying the same and of

Company to wind up affairs.



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A.D. 1927. — winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company. The directors of the company who are in office on the date of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If the number of directors of the company be reduced by death resignation or otherwise below two before the completion of the winding-up the continuing director shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

(2) As soon as may be practicable after the date of transfer the directors of the company shall proceed to wind up the affairs of the company and shall distribute the net moneys (if any) of the company after defraying the expenses of the company in relation to the Bill for this Act and the negotiations for the sale of the undertaking of the company and of winding up the company and any outgoings incidental thereto in the first place in satisfaction *pari passu* of the claims of the second debenture-holders of the company to the extent of ten shillings in the pound on the amount of their claims but in full satisfaction of such claims and in the second place in satisfaction *pari passu* of the claims of the other creditors (including bond-holders and loan-holders) of the company and subject as aforesaid to and amongst the shareholders of the company and for that purpose the several persons whose names shall appear in the books of the company at the date of transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof.

(3) Where the directors of the company are for six months after the date of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for



the same the directors may pay the said money in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees and where the amount does not exceed five hundred pounds the directors may pay the same into the county court of Cheshire holden at Birkenhead and every such payment into court shall effectually discharge the company and the directors from all further liability with respect to such money Upon the provisions of this section being carried into effect the company shall ipso facto be dissolved.

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47.—(1) Subject to the provisions of this Act the Corporation may repair maintain alter and improve the pier and in connection therewith may from time to time construct erect maintain alter and improve all necessary buildings roads approaches offices engines electric and other apparatus and machinery water pipes and other works and conveniences.

Improve-  
ment and  
mainten-  
ance of  
pier.

(2) The Corporation may erect construct and maintain upon the pier and upon any lands acquired by or leased to them in connection therewith and may furnish stock and equip fishing platforms pavilions or assembly rooms concert lecture waiting reading refreshment and other rooms galleries saloons arcades kiosks shops shelters seats chairs winter gardens automatic machines bicycle stands band stands urinals and other conveniences bathing places and cabins with all necessary conveniences and appliances and may make such reasonable charges as they may think fit for the use thereof or for admission thereto as the case may be in addition to the authorised charges for passengers and promenaders using the pier.

(3) Any electric and other apparatus and machinery constructed erected or maintained under this Part of this Act shall be so constructed erected maintained and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

(4) Nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except

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Pass tickets  
for use of  
pier.

48.—(1) The Corporation may grant to passengers and promenaders or others for the use of the pier (either inclusive or exclusive of admission to any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as they may think fit or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

(2) The Corporation may prescribe the conditions on which pass tickets or family tickets or books of tickets are issued and the persons by whom those tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket family ticket or book of tickets shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the conditions on which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

Power to  
charge  
higher rates  
for evening  
entertain-  
ments.

49.—(1) Notwithstanding anything contained in this Act the Corporation may charge for every person entering upon and using the pier between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of 6 p.m. and 10 p.m.) is held on the pier or in any pavilion building or room for the time being on the pier any sum not exceeding sixpence exclusive of and in addition to any charge which may be made for admission to the pavilion building or room in which the concert or entertainment takes place.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after 6 p.m. on any such day as in the preceding subsection mentioned

shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid. A.D. 1927.

(3) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

**50.** If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings in connection with the pier other than payments of interest and of instalments of principal and contributions to sinking funds shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Minister of Transport to have been expended by the Corporation for the purchase of or on the pier and the reconstruction thereof the Minister of Transport may if in his discretion he think fit reduce the rates leviable under this Act to such amounts as will be sufficient to provide the interest aforesaid at the rate aforesaid and such rates shall thereupon be reduced accordingly but with power to the Minister of Transport at any time and from time to time to raise them again to sums not exceeding those authorised by this Act. Minister of Transport may reduce rates.

**51.—**(1) For the purpose of exercising the powers conferred upon them by the section of this Act of which the marginal note is "Improvement and maintenance of pier" the Corporation may close the pier or any part thereof for such periods as they may from time to time determine. Power to close pier.

(2) The Corporation may also on any special occasion but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Corporation may think fit.

(3) The special rate charged under subsection (2) of this section shall be in lieu of and not in addition to the rate authorised by the Pier Act of 1864 as amended by this Act and any person paying the special rate

A.D. 1927. shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Corporation shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Payment of rates not to confer right to use buildings.

**52.** No pass ticket or payment of rates payable under this Part of this Act for the use of the pier shall entitle the holder of the pass ticket or the person paying to the use of the buildings and erections on the pier or any of them or any part of the pier which is set apart for a particular purpose unless the Corporation otherwise determine.

Power to contribute to entertainments.

**53.**—(1) The Corporation may subject to the provisions of this section from time to time provide and pay for or contribute towards the payment of bands of music concerts sports or other entertainments of any kind whatsoever on the pier or in the pavilions or other buildings thereon and subscribe towards the funds of any regatta or fête held in the immediate vicinity of the pier.

(2) Provided that if the Corporation themselves provide stage plays or cinematograph performances under the provisions of this section they shall (unless otherwise authorised by Act of Parliament) either—

(a) let the pavilion or other building in which such stage plays or cinematograph performances are produced in consideration of the payment to them of a sum or sums of money; or

(b) enter into an arrangement under which a share in the gross or net receipts in respect of the production of such stage plays or cinematograph performances shall be credited to them;

and the Corporation shall not under the provisions of this section undertake any liability for any loss that may be occasioned in the production of any such stage plays or cinematograph performances.

(3) The net amount of any payments or expenses made or incurred by the Corporation under the provisions of subsection (1) of this section after deducting any moneys received by them under the provisions thereof

shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one halfpenny in the pound levied on property in the borough assessable in that year to the general rate. A.D. 1927.

**54.** The Corporation may from time to time out of the pier revenue pay or contribute towards the cost of advertising by means of handbooks leaflets posters advertisements in newspapers or otherwise the pier and any performances fêtes or other attractions thereon or given in connection therewith. Power to advertise pier.

**55.**—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions as may be sanctioned by the Minister of Transport sell the pier undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Corporation by this Part of this Act which the Corporation have or might exercise under this Part of this Act and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Part of this Act. Power to sell.

(2) The Corporation shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Ministry of Transport and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

**56.**—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Minister of Transport lease to any company corporation or person (a) the pier undertaking or (b) the rates and other charges authorised to be taken by this Part of this Act. Power to lease undertaking or rates.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Corporation by this Part of this Act which the Corpo-



A.D. 1927. — ration have or might exercise under this Part of this Act and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Part of this Act.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister of Transport.

(4) The Corporation shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Act and of this Act as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Corporation and all moneys received by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Act.

Power to  
lease  
pavilions  
&c.

**57.** In addition to any general power contained in this Part of this Act the Corporation may let for hire or lease for any term not exceeding seven years any fishing platforms pavilions or assembly rooms concert lecture waiting reading refreshment and other rooms galleries saloons arcades kiosks shops shelters seats chairs winter gardens automatic machines bicycle stands band stands baths bathing places and cabins or other buildings conveniences or appliances separately from any other part of the pier undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Byelaws.

**58.**—(1) The byelaws which may from time to time be made by the Corporation in exercise of the power in that behalf conferred on them by section 83 of the



Harbours Docks and Piers Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. A.D. 1927.  
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(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes.

**59.** The Corporation may appoint officers for securing the observance of the byelaws and regulations made by the Corporation under this Part of this Act in respect of the pier and may from time to time procure such officers to be sworn in as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant. Appointment of officers to enforce byelaws and regulations.

**60.** Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment. Officers exempt from rates.

## PART V.

### GAS WATER AND ELECTRICITY.

**61.** In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect— Construction of pipes between mains and meters.

(1) The Corporation may specify the minimum size and the material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter at which the gas supplied by the Corporation is measured so far as such pipes and fittings are intended to be covered over :

(2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :

(3) The specification shall be published either twice in some newspaper or once in each of two newspapers circulating within the borough and a

A.D. 1927.

copy thereof shall be kept exhibited in the office of the Corporation :

- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building Provided that in the case of any building which is the property of a railway company and used for railway purposes and in connection with which there is provided outside the building accommodation for the meter or a separate meter house either of which shall be reasonably approved by the Corporation such meter may be placed in such accommodation or meter house instead of within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Corporation refuse a supply of gas under the provisions of this section may appeal to a court of summary jurisdiction against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them

proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid : A.D. 1927.  
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- (7) Nothing in this section shall extend or apply to any part of the Mersey Dock Estate or to any building or premises situate thereon or to any pipes meters or fittings laid or placed or to be laid or placed on the Mersey Dock Estate.

**62.** 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 from the Corporation for the purposes of a stand-by only a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation or a supply of electricity unless he shall have agreed to pay to the Corporation such minimum sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for the premises for which the stand-by supply is demanded or received and the sum so to be paid shall be determined in default of agreement by arbitration :

Supply of gas where consumer has separate supply.

Provided that the sum to be paid under this section shall not exceed five shillings in respect of any one quarter of a year in cases where the nominal capacity of the meter through which the gas is supplied or to be supplied does not exceed one hundred and twenty cubic feet per hour nor twenty-five shillings in respect of any one quarter of a year in cases where such nominal capacity exceeds one hundred and twenty cubic feet per hour but does not exceed fifteen hundred cubic feet per hour.

**63.** In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the expenses of re-connecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier at such premises or at any other premises occupied by him until he shall have made good the default and paid such expenses.

Occupier to pay expenses of re-connecting disconnected supply.

**64.** The Corporation may in connection with and for the purposes of the gas undertaking of the Corporation

As to gas offices and showrooms.

[Ch. cxxii.] *Wallasey Corporation* [17 & 18 GEO. 5.]  
*Act, 1927.*

A.D. 1927. — fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which gas or the residual products arising directly or indirectly from the manufacture of gas can be put and may appoint and pay persons for the purposes aforesaid.

Rates payable by owners of small houses.

**65.**—(1) Where any premises supplied with water are let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

(2) Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(3) Section 72 (Rate payable by owner for small houses) of the Act of 1890 and section 18. (Power to compound with owners for water rents) of the Act of 1867 are hereby repealed.

Discount on water rate.

**66.**—(1) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as the Corporation shall prescribe.

(2) Provided that the same rate of discount shall be allowed to every ratepayer in similar circumstances.

(3) Notice of this enactment shall be endorsed on every demand note for water rates.

Use for lighting purposes of electricity supplied for power.

**67.**—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

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(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

**68.**—(1) In the event of a meter of a construction and 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.

Period of error in defective meters.

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

**69.** In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply

Power to recover cost of cutting off supplies.



A.D. 1927. — was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

PART VI.

STREETS BUILDINGS SEWERS AND DRAINS.

Extension of  
section 31  
of Act of  
1907.

**70.** Section 31 (Fencing of lands adjoining streets) of the Act of 1907 in its application to the borough shall extend and apply as if—

(1) The following words were inserted therein (that is to say):—

(a) After the words “ a source of danger to passengers ” the words “ using the street or to children straying on such land ”;

(b) After the words “ under this section ” the words “ either in respect of the whole of “ the unfenced or inadequately fenced land “ adjoining the street or in respect of any “ portion thereof ”;

(c) After the words “ requiring the land ” the words “ specified in the Order or any part thereof ”;

(d) In lieu of the words “ any fence of the land to be repaired ” the words “ any fence of such land to be repaired ”; and

(e) After the words “ cause the land ” the words “ specified in the Order or any part thereof ”; and

(2) The following proviso were inserted at the end of that section (that is to say):—

Provided that if any order is made under this section in respect of any portion of any unfenced or inadequately fenced land adjoining any street the fences thereof or thereon shall for the purposes of this section be deemed fences of the land adjoining the street.

Sanitary  
conveni-  
ences for

**71.**—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works in the borough shall



where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such construction reconstruction or alteration such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

A.D. 1927.  
—  
workmen engaged on buildings.

(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.

**72.** Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

Byelaws as to erection of dwelling houses under continuous roof light to buildings &c.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (vi) the lighting of new buildings and in cases where structural alterations are proposed to be made of existing buildings; and
- (v) for securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and for protecting waterclosets against frost and for preventing the improper use of such closets and of the blocking of the pipes therefrom.

**73.** Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Area of habitable rooms.

**74.** The owner of any dwelling-house erected in the borough whether before or after the passing of this Act which is not provided with a proper water supply within such dwelling-house who shall occupy the same or allow

As to houses without water supply.

[Ch. cxxii.] *Wallasey Corporation* [17 & 18 GEO. 5.]  
Act, 1927.

A.D. 1927. — the same to be occupied shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

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 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) If in any case the owner alleges that the occupier of any dwelling-house which was erected before the passing of this Act and in respect of which any work is required to be executed under the provisions of this section ought to bear or contribute to the expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit;
- (d) This section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

Corporation may order houses to be drained by a combined drain.

**75.**—(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 subject as hereinafter provided 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

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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.

(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.

(3) 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 of summary jurisdiction may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

**76.**—(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 sanitary inspector or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall

Provisions  
in lieu of  
section 19  
of Public  
Health Acts  
Amendment  
Act 1890.

[Ch. cxxii.] *Wallasey Corporation* [17 & 18 GEO. 5.]  
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A.D. 1927. — 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.

As to provi-  
sion of  
water-  
closets.

**77.** Where any house contains more than one watercloset and any one or more such waterclosets are in the opinion of the Corporation not sufficient within the meaning of section 36 of the Public Health Act 1875 a notice may be served under that section requiring the provision of an equal number of sufficient waterclosets in lieu thereof.

Penalty for  
throwing  
rubbish into  
streams.

**78.** Every person who throws deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any watercourse within the borough so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds.

Saving for  
dock board.

**79.** Nothing contained in this Part of this Act or in any byelaws made thereunder shall be deemed to extend or apply to any part of the Mersey Dock Estate within the borough or to any works or buildings (except dwelling-houses) now or hereafter to be executed constructed or carried out on the said estate and used or intended to be used for or in connection with the business or purposes of the dock board under any power vested in them or prejudice or affect any of the rights powers or privileges of the dock board.

PART VII.

SANITARY PROVISIONS.

Byelaws  
as to  
transport  
of food.

**80.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for food.

(2) Before making any such byelaws the Corporation shall give not less than one month's notice to the

Borough of Wallasey Butchers' and Pork Butchers' Association of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association thereon before they submit the same to the Minister for confirmation and such association shall be entitled to make representations to the Minister with regard thereto. A.D. 1927.

(3) Provided that before making any byelaws affecting the transport of any article by the London Midland and Scottish Railway Company the Corporation shall give not less than one month's notice to such company of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of such byelaws.

**81.**—(1) The Corporation may prescribe the size and materials of ashbins for use within the borough and any ashbin required by the Corporation to be provided by the owner or occupier of any premises shall be of the size and materials so prescribed. Regulation ashbins.

(2) In any case in which an ashbin already provided by the owner or occupier of any premises is not of the size and materials prescribed as aforesaid and in any case in which an ashpit or other receptacle for refuse not being an ashbin of the size or material prescribed as aforesaid is in use in connection with any premises the Corporation may either—

(a) themselves at the cost of the owner or occupier of the premises in connection with which such ashbin was provided or an ashbin or other receptacle not being a prescribed ashbin is in use provide or supply; or

(b) require such owner or occupier to substitute for such ashbin ashpit or other receptacle an ashbin of such size and materials as aforesaid.

(3) The Corporation shall give to the owner of any existing ashbin or other receptacle (not being an ashpit) which shall be replaced under the provisions of this section and which but for the prescription of the Corporation would have been a sufficient and suitable receptacle for refuse credit for the value of such existing ashbin or other receptacle.



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(4) Except as hereinafter provided the owners or occupiers of all premises in connection with which an ashbin of the size and materials prescribed by the Corporation has been provided shall pay to the Corporation on each first day of April after such provision such sum not exceeding five shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such ashbin. Such payment shall be in satisfaction of the obligation of such owners or occupiers in regard to such maintenance repair and renewal.

(5) Any ashbin which may be substituted by the Corporation for an ashpit which is in use on the first day of July nineteen hundred and twenty-seven and but for the prescription of the Corporation would have been a sufficient and suitable receptacle for refuse shall be maintained by the Corporation for a period of five years from the first day of July nineteen hundred and twenty-seven free of expense to the owner and occupier of the premises in connection with which such ashpit was used.

Restriction  
as to use of  
ashbins.

**82.**—(1) From and after the passing of this Act it shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

Discontinu-  
ance of  
offensive  
trades.

**83.**—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Act of 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the person by or on whose behalf the trade so complained of is carried on may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade



Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation from which the person complained of may appeal to a court of summary jurisdiction within two months from the service of any such notice as aforesaid.

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

**84.**—(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 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.

As to filthy premises.

A.D. 1927.

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

Power to order alteration of chimneys.

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

Public notice to be given of foregoing provisions of this Part of Act.

**86.** Public notice of the effect of the foregoing 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 and by a notice affixed outside the town hall.

## PART VIII.

### POLICE PROVISIONS.

Power to impose test on motor drivers.

**87.** No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit. Provided that this section shall not apply to persons employed by the Birkenhead Corporation and holding their licence to drive a hackney carriage.

Power to stop traffic on occasions of emergency.

**88.** It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on occasions of emergency to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed

reasonably necessary and any person who wilfully removes injures or destroys any such barricade shall be liable to a penalty not exceeding forty shillings Provided that no such barricades shall be erected across any street on the Mersey Dock Estate except with the consent of the dock board. A.D. 1927.

**89.**—(1) Any person or persons intending to organise or form in or through the streets of the borough a procession at any point within a radius of three miles from the town hall (other than processions which are regularly held in or through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the chief constable of the borough by leaving such notice at the head police office of the borough twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. As to processions.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

## PART IX.

### BOROUGH EXTENSION.

#### *Commencement.*

**90.** This Part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject matter or context inconsistent therewith come into operation on the appointed day: Commencement of Part IX.

Provided that for the purposes of all proceedings and matters preliminary or relating to any election to be held for any area constituted or affected by this Act in the year nineteen hundred and twenty-eight this Part of this Act shall come into operation as from the date of this Act.

#### *Alteration of Boundaries.*

**91.**—(1) The boundary of the existing borough shall be altered so as to include in addition to the area of the existing borough the added areas. Extension of borough.

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(2) The boundary of the borough shall be that shown by the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and shall be the county borough of Wallasey for the purposes of the Act of 1888 and for all other purposes.

Borough  
and ward  
maps.

**92.**—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent by him within one month after the passing of this Act to the clerk of the county council to the clerk to the Wirral Council to the clerk to the Wirral Guardians to the clerk to the Birkenhead Guardians to the Minister to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners and copies of the ward map so deposited and certified in like manner shall be sent within the said period to the Minister to the Registrar-General and to the Minister of Agriculture and Fisheries.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of the borough map so far as it relates to the boundaries of the borough and the borough map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(3) All fees so received shall be carried to the credit of the general rate fund.

Alteration  
of town-  
ships.

**93.**—(1) The added part of Bidston shall be separated from the existing township of Bidston-cum-Ford.

(2) The township of Moreton and the added part of Bidston shall be amalgamated with the existing township and with the existing township shall form the township of Wallasey in the Birkenhead Union.

*Provisions consequent on alteration.*

A.D. 1927.

**94.** Subject to the provisions of this Act the number of councillors of the borough shall be increased from forty-two to forty-six and the number of aldermen of the borough shall be increased from fourteen to fifteen.

Number of  
councillors  
and  
aldermen.

**95.** Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards and the number of councillors the following provisions shall have effect:—

Division  
into wards.

(1) For the purposes of the election of councillors the borough shall be divided into sixteen wards:

(2) The fourteen existing wards and the number of councillors respectively apportioned thereto shall remain unaltered:

(3) The area coloured pink upon the ward map (consisting of the added part of Bidston and part of the existing township of Moreton) shall be formed into a new ward to be named "the Leasowe Ward" and the area coloured blue upon the ward map (consisting of the remainder of the existing township of Moreton) shall be formed into a further new ward to be named "the Moreton Ward":

(4) Subject to the provisions of the next subsection of this section two councillors shall be assigned to each of the two new wards constituted by subsection (3) of this section:

(5) (a) When the number of persons rated in the Leasowe Ward or the Moreton Ward or the aggregate rating of either of those wards increases so as to justify an increase of the number of the councillors of either or both of such wards it shall be lawful for the council of the borough to petition the King for an alteration of the number of the councillors of either or both of the said wards and for the purposes of any such petition and the proceedings thereon the provisions of section 30 of the Municipal Corporations Act 1882 as amended by the Municipal Corporations Act 1893 and extended by the Borough Councillors (Alteration of Number)



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Act 1925 shall apply with the necessary modifications as in the case of a petition presented by the council of a borough not divided into wards praying only for an alteration of the number of councillors of the borough;

(b) The provisions of this subsection shall be in addition to and not in substitution for the provisions of the general law relating to the alteration of the number of wards or boundaries of wards or the number of councillors of a municipal borough but nothing in this section shall authorise the increase of the number of councillors of the Leasowe Ward or the Moreton Ward to a number greater than three.

County and  
Borough  
Councils  
(Qualifica-  
tion) Act  
1914.

**96.** For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added areas shall be deemed to have always formed part of the borough.

First  
election of  
additional  
councillors  
and  
alderman.

**97.**—(1) The first election of councillors for the Leasowe Ward and the Moreton Ward respectively constituted by this Act shall be held on the twenty-sixth day of March nineteen hundred and twenty-eight and the mayor shall be the returning officer at the election for those wards. Provided that the mayor may appoint some other person to act as returning officer at the election for either or both of those wards.

(2) The first election of the additional alderman assigned to the borough by this Act shall take place at the ordinary meeting of the council held in April nineteen hundred and twenty-eight and at that election the additional alderman shall be chosen from among the councillors elected for the Leasowe Ward or the Moreton Ward or from among the persons qualified to be councillors whose qualification arises in those wards.

Retirement  
of addi-  
tional coun-  
cillors and  
alderman.

**98.**—(1) The councillors elected on the twenty-sixth day of March in the year nineteen hundred and twenty-eight for the Leasowe Ward and the Moreton Ward respectively shall retire as follows:—

(a) The councillor for each ward who is elected by the smaller number of votes on the first day of November nineteen hundred and thirty;



(b) The councillor for each ward who is elected by the larger number of votes on the first day of November nineteen hundred and thirty-one. A.D. 1927.

(2) If for any reason it is doubtful which of the councillors ought to retire on the dates above specified the council shall at the first meeting of the council held after the appointed day or at the next following quarterly meeting and not later determine the question.

(3) The additional alderman elected for the borough in the month of April in the year nineteen hundred and twenty-eight shall retire on the ninth day of November nineteen hundred and thirty-two.

**99.**—(1) The added areas shall be separated from the existing West Kirby electoral division of the county. County electoral division.

(2) The person who immediately before the appointed day is the county councillor representing the existing West Kirby electoral division of the county shall be deemed to have been elected to represent that division as altered by this Act and shall retire on the day on which he would have retired if this Act had not been passed.

**100.** The persons who hold office immediately before the appointed day as mayor and aldermen of the existing borough shall on the appointed day become the mayor and aldermen of the borough and shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed. Existing mayor and aldermen.

**101.**—(1) The powers and duties of the justices of the peace for the existing borough and of the clerk to those justices and of the police constables and other peace officers of the existing borough shall extend to and apply throughout the borough : Jurisdiction of borough justices &c. extended.

Provided that—

(a) every person committing an offence in any part of the added areas prior to the appointed day shall be tried and dealt with as if this Act had not been passed;

(b) every proceeding which prior to the appointed day has been begun by or before any justice in relation to any matter arising in or concerning any part of the added areas may be

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continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added areas shall cease to form part of any petty sessional division of the county.

Town clerk and other officers continued.

**102.** The town clerk and all other officers of the Corporation of the existing borough who hold office at the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as immediately before that day.

Borough auditors.

**103.** The auditors of the existing borough who are in office on the appointed day shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors.

Local Acts.

**104.**—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts and any other local Act or Provisional Order duly confirmed and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough at the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective clause for the benefit of the county council or of the Wirral Council (or the predecessors of either such council) contained in any local Act confirmation Act or Provisional or Special Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added areas enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to either of such councils (or their predecessors) as the case may be.

Extension of gas limits.

**105.**—(1) (a) As from the first day of July nineteen hundred and twenty-eight or such earlier date as may be agreed between the Corporation and the Hoylake Council (hereinafter referred to as "the day of transfer") the limits of the Corporation for the supply of gas shall extend to and include the borough and so much of the

excluded part of Bidston as is coloured yellow on the borough map : A.D. 1927.

(b) The Hoylake Council shall sell to the Corporation and the Corporation shall purchase from the Hoylake Council the portion of the gas undertaking of the Hoylake Council which is situate within the added areas and within so much of the excluded part of Bidston as is coloured yellow on the borough map at the price or consideration of twelve thousand five hundred pounds which sum shall be paid by the Corporation to the Hoylake Council on the day of transfer and upon payment of the said sum the said portion of the said undertaking shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation.

(2) As from the day of transfer the areas referred to in subsection (1) of this section shall cease to be within the area of supply of the Hoylake Council.

(3) The Corporation shall have and may exercise within their limits for the supply of gas as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within their limits for the supply of gas as existing immediately before the day of transfer.

**106.**—(1) As from the appointed day the limits of the Corporation for the supply of water shall extend to and include the borough. Extension  
of water  
limits.

(2) The Birkenhead Corporation shall sell to the Corporation and the Corporation shall purchase from the Birkenhead Corporation the portion of their water undertaking which is situate within the added areas for such price as failing agreement may be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The Hoylake Council shall sell to the Corporation and the Corporation shall purchase from the Hoylake Council the portion of their water undertaking which is situate within the added areas at the price or consideration of seventeen thousand five hundred pounds which sum shall be paid by the Corporation to the Hoylake Council on the appointed day and upon payment of the said sum the said portion of the said undertaking shall by virtue

[Ch. cxxii.] *Wallasey Corporation* [17 & 18 GEO. 5.]  
Act, 1927.

A.D. 1927. of this Act become and shall thenceforth be transferred to and vested in the Corporation.

(4) As from the date upon which any such sale and purchase as is referred to in subsections (2) and (3) of this section takes effect the portions of the undertakings so sold and purchased shall cease to be within the area of supply of the Birkenhead Corporation or the Hoylake Council as the case may be.

(5) The Corporation shall have and may exercise within their limits for the supply of water as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within their limits for the supply of water as existing immediately before the appointed day.

(6) Notwithstanding the purchase by the Corporation of the portion of the water undertaking of the Hoylake Council referred to in this section the Hoylake Council may within the area of the existing parish of Moreton and the added part of Bidston exercise all the powers conferred upon them by the Hoylake and West Kirby Urban District Council Act 1925 and the Acts incorporated therewith with regard to the laying enlarging maintaining and renewing of water mains pipes and apparatus in the limits of the Hoylake Council for the supply of water for the purposes of connecting the water undertaking of the Hoylake Council with the water mains of the lord mayor aldermen and citizens of the city of Liverpool the Birkenhead Corporation and the West Cheshire Water Board or any of them for the purposes of obtaining supplies of water in bulk Provided that the powers referred to in this subsection shall not be exercised in relation to the existing water main of the said lord mayor aldermen and citizens of the city of Liverpool without the consent in writing of the Corporation.

Provisions  
as to gas  
and water  
transfer  
from  
Hoylake  
Council.

**107.**—(1) The purchase moneys under the last two preceding sections of this Act respectively when received by the Hoylake Council shall respectively be applied by them in the repayment of any outstanding moneys borrowed by the Hoylake Council for gasworks or waterworks purposes or to gasworks or waterworks purposes

to which capital is properly applicable or in such other manner as may be approved by the Minister. A.D. 1927.

(2) The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase moneys under either or both of the said last two preceding sections purporting to be signed by the treasurer of the Hoylake Council or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the portion of the gas undertaking or the water undertaking (as the case may be) of the Hoylake Council which is referred to in the said sections.

(3) The receipt in writing of the treasurer of the Hoylake Council for the said purchase money or any part thereof or for any other sum of money to be paid to the Hoylake Council by the Corporation shall effectually discharge the Corporation from the sum which in any such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened "In the matter of the Wallasey Corporation Act 1927" and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of the treasurer of the Hoylake Council.

(4) No action suit prosecution or other proceeding whatsoever commenced and no cause of action suit or arbitration prosecution or proceedings pending or existing either by or against the Hoylake Council shall abate or be discontinued or prejudicially affected by reason of the transfer to and vesting in the Corporation of the said portions of the said undertakings but the same shall continue and take effect either in favour of or against the Hoylake Council in the same manner in all respects as the same would have continued and taken effect in relation to the Hoylake Council if such transfer had not been made and all penalties incurred by reason of any offence against the provisions of any regulations of the Hoylake Council binding on the



[Ch. cxxii.] *Wallasey Corporation* [17 & 18 GEO. 5.]  
*Act, 1927.*

A.D. 1927. — Hoylake Council previously to such transfer may be sued for and all offences committed against such provisions previously to such transfer may be prosecuted in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if such transfer had not taken place and all rents rates and moneys payable to the Hoylake Council prior to the day of transfer or the appointed day (as the case may be) may be collected sued for and recovered either by the Hoylake Council or by the Corporation on behalf of the Hoylake Council in the same manner in all respects as the same might have been sued for and recovered if this Act had not been passed.

(5) Until the day of transfer or the appointed day (as the case may be) the portion of the undertaking to be then transferred shall be and continue to be maintained and carried on by the Hoylake Council as heretofore in the ordinary course of business but the Hoylake Council shall not without the previous consent of the Corporation under the hand of the town clerk enter into any new liability contract or agreement or other obligation in respect of the said respective portions of the said undertaking except such as may be in the ordinary course of the proper conduct of business and no expenditure of a capital nature shall be incurred by the Hoylake Council without such consent but if any such expenditure is incurred with such consent the same shall be repaid to the Hoylake Council by the Corporation on the appointed day or the day of transfer (as the case may be).

(6) The Hoylake Council shall bear and pay all outgoing and liabilities of every kind properly chargeable to revenue and shall receive and retain all gas charges water rates or rents and other payments due to them and shall be entitled (as and when and by whomsoever received) to all receipts from the respective portions of the undertakings so transferred attributable to the respective periods up to the day of transfer or the appointed day (as the case may be).

For protection of certain railway

**108.** The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (each of which is hereinafter referred to as "the



railway company ") shall unless otherwise agreed between the Corporation and the railway company be in force and have effect in relation to the exercise of the powers conferred upon the Corporation by the sections of this Act of which the respective marginal notes are " Extension of gas limits " and " Extension of water limits " :—

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—  
companies  
under  
Part IX.

- (1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works of the Corporation upon across over under or in any way affecting the railways lands or property belonging to the railway company or used or occupied by them for the purposes of their undertaking or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Corporation Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof :
- (2) The Corporation shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all the works matters and things as aforesaid shall be constructed executed and done so as not to cause any reasonably avoidable injury to the railways bridges level crossings approaches viaducts stations works lands or property of the railway company or any interruption to the passage or conduct of traffic over such railways or at any station thereon :
- (3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to any of the acts operations matters and things

A.D. 1927.

... aforesaid or the bursting leakage or failure of any such mains pipes or works the Corporation shall make compensation in respect thereof to the railway company :

- (4) Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall failing agreement be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

Extension of electricity limits.

**109.**—(1) As from the appointed day the limits of the Corporation for the supply of electricity shall extend to and include the borough and the provisions of the Birkenhead Corporation Electric Lighting (Extension) Order 1900 and the Wirral and Neston Electricity Special Order 1925 shall cease to apply to the added areas.

(2) The Corporation shall have and may exercise within their limits for the supply of electricity as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of electricity and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within their limits for the supply of electricity as existing immediately before the appointed day.

(3) Within a period of two years after the passing of this Act the Corporation shall lay down suitable and sufficient distributing mains for the purposes of a general supply as mentioned in section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 throughout the following streets in the added areas (namely) :—

Stuart Avenue Station Road Hoylake Road Upton Road Stretton Drive Tintern Drive Hawthorne Road Park Road Roslyn Drive and Roslyn Drive North.

(4) The Birkenhead Corporation shall sell to the Corporation and the Corporation shall purchase from the

Birkenhead Corporation the portion of their electricity undertaking which is situate within the added areas for such price as failing agreement may be determined by arbitration in accordance with the provisions of the Arbitration Act 1889. A.D. 1927.

**110.**—(1) The provisions of the following Acts (namely) :— Adoptive Acts.

The Baths and Washhouses Acts 1846 to 1925;  
The Public Health Acts Amendment Act 1890;  
The Public Libraries Acts 1892 to 1919;  
The Museums and Gymnasiums Act 1891;  
The Notification of Births Act 1907; and  
The Public Health Act 1925;

which are in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted in respect of every part thereof.

(2) The provisions of any adoptive Act other than the Acts mentioned in subsection (1) of this section shall cease to be in force in any part of the added areas.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the appointed day throughout the existing borough shall extend and apply to the added areas and any such order in force on the day aforesaid in the added areas shall save as hereinbefore provided cease to be in force in those areas.

(4) The provisions of subsections (2) and (3) of this section shall not prejudice or affect any proceedings which are pending on the appointed day.

**111.** Subject to any order which the Minister or the Secretary of State may make after the appointed day— Powers under Act of 1907.

(1) (a) The provisions of any order made before the appointed day whereby any parts or sections of the Act of 1907 are in force in the existing borough shall have effect as if any reference in that order to the borough as it existed at the date of such order extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force in the borough;

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(b) Any other order under the Act of 1907 which is in force at the appointed day throughout the existing borough shall extend and apply to the added areas :

- (2) The provisions of any order made before the appointed day and declaring to be in force in any part of the added areas any parts or sections of the Act of 1907 shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Orders  
under Wild  
Birds Pro-  
tection  
Acts.

**112.** Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall during the continuance of such order extend to the added areas and any order under those Acts which is then in force in the county shall cease to apply to the added areas.

Land  
Charges  
Act 1925.

**113.**—(1) The local registrars for the county and for the Wirral District under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within those parts of the county and the Wirral District which are within the added areas and shall in respect thereof be paid by the Corporation such fees as are prescribed by the said rules.

(2) The local registrar for the borough shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate parts of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land in the added areas :—

- (a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made

in the register for the Wirral District and in the register for the county; A.D. 1927.

- (b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the Wirral District the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application;
- (c) The local registrars for the county and for the Wirral District shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation;
- (e) Where a local land charge duly registered in the local land charges register of the county council or of the Wirral Council is in pursuance of this Act transferred from the register of the county council or of the Wirral Council to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the borough.

**114.**—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added areas immediately before the appointed day shall continue to apply to the existing borough or to the added areas as the case may be until repealed or altered by the Corporation. Byelaws.

(2) All other byelaws made by the Corporation or by the watch committee of the borough and in force



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immediately before the appointed day shall apply to the borough and all byelaws made by the county council or the standing joint committee shall on that day cease to apply within the added areas.

(3) In their application to the added areas any byelaws continued in force by this section shall have effect as if they had been made by the Corporation and as if the added areas were referred to therein instead of the area to which they now apply.

(4) Any proceedings which if this Act had not passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation.

(5) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the phrase "byelaws made under the Public Health Acts" includes all byelaws to which section 184 of the Public Health Act 1875 applies other than byelaws made under any of the provisions of the local Acts.

Education  
byelaws and  
managers.

**115.**—(1) Any byelaws under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing borough immediately before the appointed day shall apply to the borough until revoked or altered by the Corporation in substitution for any such byelaws which may be in force in the added areas.

(2) Every manager of any elementary school in the added areas who was appointed by the county council or by the Moreton or Bidston-cum-Ford parish councils shall vacate office at the appointed day.

Powers  
under  
section 33  
of Act of  
1894.

**116.** Subject to the provisions of any order which the Minister may hereafter make the provisions of any order heretofore made by the Local Government Board or the Minister and conferring upon the council of the existing borough any of the powers relating to the matters mentioned in section 33 of the Act of 1894 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if any reference in those provisions to the existing borough the council of the existing borough and the existing township of Wallasey extended and applied to the borough the council of the borough and the township.

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**117.**—(1) The added areas shall cease to form part of the Wirral Joint Hospital District.

Exclusion of added areas from joint hospital district.

(2) The provisions of the Wirral Joint Hospital Orders 1888 to 1908 shall cease to apply to the added areas.

**118.** The Cheshire Joint Sanatorium Committee Order 1914 shall be altered so that the borough shall be a constituent area and the Corporation shall be a constituent authority within the meaning of that order.

Joint committee for tuberculosis.

**119.** Any resolution passed or other proceeding taken by the Wirral Council under the Town Planning Act 1925 or any enactment thereby repealed (including agreements orders and consents entered into made or given under that Act or repealed enactment) shall in so far as it relates to lands within the added areas have effect as if it had been passed or taken by the Corporation in respect of those lands.

As to town planning.

**120.**—(1) The Corporation shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906.

Corporation to be burial board for borough.

(2) Provided that no approval sanction or authorisation of the vestry of the township shall be required in respect of any act of the Corporation as the burial board as aforesaid.

**121.** Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the date aforesaid attach to the Corporation in respect of the existing borough shall from and after that date attach to them in respect of the borough.

Corporation property &c.

**122.** So much of any sums borrowed by the Corporation as shall at the appointed day be owing and charged upon the borough fund and borough rate or the general rate fund and general rate of the existing borough

Mortgage debts of Corporation.

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*Act, 1927.*

A.D. 1927. — shall be charged upon the general rate fund and general rate of the borough and all those sums shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Minister  
may order  
differential  
rating.

**123.**—(1) The Minister may on the application of the local authority of either of the added areas or of any railway company (such application to be made in writing before the expiration of a period of two months from the passing of this Act) order that the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in such added area shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within that part of the borough which comprises the existing township of Wallasey by such sum or sums and for such period as may seem equitable to the Minister after considering any representations that may be made to him by the Corporation.

(2) For the purpose of this section the expression "local authority" includes a parish council in addition to any other local authority as defined by section 4 (Interpretation) of this Act.

Wirral  
Rural  
District  
Council  
and Wirral  
guardians.

**124.**—(1) The number of councillors of the Wirral District and of guardians of the Wirral Union shall be reduced by three.

(2) The persons acting as rural district councillors and guardians for the existing parish of Moreton shall retire from office on the appointed day.

(3) The person who immediately before the appointed day is the rural district councillor representing the existing township of Bidston-cum-Ford shall unless disqualified continue in office as the rural district councillor representing the said township as altered by this Act and the Birkenhead Extension Act 1927 until the day upon which he would have retired from office if this Act had not been passed.

Birkenhead  
guardians.

**125.** The person who immediately before the appointed day is the guardian representing the existing township of Bidston-cum-Ford shall unless disqualified continue in office as the guardian representing the said

township as altered by this Act and the Birkenhead Extension Act 1927 until the day upon which he would have retired from office if this Act had not been passed. A.D. 1927.

**126.** All poor law orders in force in the Birkenhead Union immediately before the appointed day and applicable to the existing township of Wallasey shall extend and apply to the township. As to existing poor law orders.

**127.** The number of guardians for the Birkenhead Union shall be increased from thirty-two to thirty-four and the number of guardians for the township shall be increased from fourteen to sixteen. Guardians of Birkenhead Union and township.

**128.** Subject to the provisions of section 60 of the Act of 1894 and as regards any alteration of the ward hereby constituted to the provisions of that Act as to the alteration of wards for the election of guardians the following provisions shall have effect:— Division of township into wards and election of guardians for new wards.

(1) For the purposes of the election of guardians the township shall be divided into sixteen wards :

(2) The fourteen existing wards and the number of guardians respectively apportioned thereto shall remain unaltered :

(3) The added areas shall for the purposes of the election of guardians be divided into two wards which shall respectively be co-terminous with and shall bear the same names as the two new wards formed for the election of councillors in pursuance of the section of this Act of which the marginal note is "Division into wards" and one guardian shall be assigned to each of such wards :

(4) An election of the guardians for the said two new wards shall be held on the twenty-eighth day of March nineteen hundred and twenty-eight and the guardians then elected shall come into office at the appointed day :

(5) The rules contained in the Guardians (Outside London) Election Order 1898 as amended by the Local Elections (Alteration of Rules) Order 1925 applicable to a first election of guardians for a ward of an urban parish newly constituted shall apply to the election :

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(6) For the purpose of the election of guardians held in pursuance of this section the returning officer shall be the clerk to the Birkenhead Guardians or such other person as may be appointed by those guardians in accordance with paragraph (2) of rule 1 of the Guardians (Outside London) Election Order 1898 :

(7) For the purposes of the provisions of the Act of 1894 relating to the qualification of guardians the township shall be deemed to have been extended on the first day of March nineteen hundred and twenty-seven and as from that day to have formed part of the Birkenhead Union.

Powers  
property &c.  
of Wirral  
Council.

**129.**—(1) Subject to the provisions of this Act the Wirral Council shall cease to exercise any powers or discharge any duties within any part of the added areas.

(2) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to the Wirral Council in relation exclusively to any part of the added areas shall by virtue of this Act be transferred to and vest in the Corporation as urban authority.

(3) Any property or liabilities vested in or attaching to the Wirral Council in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

Parish  
councils.

**130.**—(1) The parish council of the existing township of Moreton shall cease to exist on the appointed day.

(2) The parish council of the existing township of Bidston-cum-Ford shall be deemed to have been elected as and shall be the parish council of that township as altered by this Act and the Birkenhead Extension Act 1927 and shall cease to exercise any powers or have any duties within the added part of Bidston.

Powers pro-  
perty and  
liabilities of  
parish  
councils &c.

**131.** Subject to the provisions of this Act—

(1) Any powers and duties transferred by or under the Act of 1894 to the parish councils of the existing townships of Moreton and Bidston-cum-Ford (except powers or duties



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as the authority under any of the adoptive Acts as defined in the Act of 1894) shall so far as regards the existing township of Moreton and the added part of Bidston be vested in and imposed on the persons and authorities in or on whom they would be vested or imposed if that township and that added part had been included in a parish in the existing borough on the appointed day within the meaning of the Act of 1894 and all property and liabilities held or incurred in relation exclusively to the said township and added part for the purpose or by virtue of the said powers and duties shall by virtue of this Act be transferred to and vest in the persons and authorities aforesaid :

- (2) Any property or liabilities of the said parish councils held or incurred so far as regards the existing township of Moreton and of the added part of Bidston otherwise than by virtue or for the purposes of the powers or duties aforesaid shall by virtue of this Act be transferred to and vest in the Corporation :
- (3) The powers duties property and liabilities of the said parish councils under any of the adoptive Acts as defined in the Act of 1894 or of any authority under any such adoptive Act shall so far as regards the existing township of Moreton and the added part of Bidston by virtue of this Act be transferred to and vest in the Corporation :
- (4) Any property or liabilities held or incurred by the said parish councils in relation to the added areas or any part thereof conjointly with any other area or in relation to the excluded part of Bidston conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

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*Supplementary provisions.*

County  
police.

**132.**—(1) At the appointed day such members (if any) of the police force of the county as shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the borough :

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the county police force so transferred shall hold office in the police force of the borough upon the same tenure and subject to the same terms and conditions as the other serving members of the borough police force of the same rank as such member and any period of service which he was entitled to reckon before such transfer for purposes of pay promotion or pension in the county police force shall be reckoned for the same purpose in the borough police force :

Provided that where the scale of ordinary pensions applicable to a member of the county police force who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

(3) The provisions of subsection (2) of section 8 (Continuous service in two or more forces) of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of a police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county and notwithstanding that at the date of the transfer such member may not have completed one year's approved service in the county police force.

Adjustment  
of financial  
relations  
between  
county and  
county  
boroughs.

**133.**—(1) In any case where the extension of the existing borough by this Act affects the distribution between the county and the borough or between the county and the borough on the one hand and any other county borough on the other hand of the moneys

payable out of the local taxation account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) or any financial relations or questions between the areas aforesaid or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made between the areas interested.

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—

(2) Any such adjustment as is authorised by subsection (1) of this section may be made by agreement between the councils affected or by an arbitrator appointed by those councils and unless such adjustment has been made or an arbitrator has been so appointed before the thirty-first day of December nineteen hundred and twenty-eight then on the application of any of the councils interested the Minister may if he think fit make or appoint an arbitrator to make the adjustment.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made or so far as any such agreement does not extend the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister or an arbitrator appointed under subsection (2) of this section as the case may be shall be substituted in those provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed under subsection (2) of this section shall be deemed to be an arbitrator within the meaning of section 62 (Adjustment of property and liabilities) of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

Provided that—

- (a) in lieu of subsection (6) of section 61 (Appointment of Commissioners) of the Act of 1888 subsections (1) and (5) of section 87 (Application of provisions of 38 & 39 Vict. c. 55

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as to local inquiries and provisional orders) of the Act of 1888 shall apply to any inquiries which may be directed by the Minister under this section and to the costs of those inquiries; and

- (b) subsection (6) of section 32 (Adjustment of financial relations between counties and county boroughs) of the Act of 1888 shall apply to any agreement or award made under this section.

Adjustment  
for purposes  
of Licensing  
(Consolida-  
tion) Act  
1910.

**134.**—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added areas in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 (Adjustment of property and liabilities) of the Act of 1888 and the provisions of that Act shall apply accordingly.

Insurance  
committees.

**135.**—(1) The Minister may by order at any time after the passing of this Act make such provisions as appear to him to be necessary for transferring to the insurance committee for the borough such of the property rights and liabilities of the insurance committee for the county as relate to persons resident in the added areas.

(2) An order made under this section may authorise the insurance committee for the county to continue to act as insurance committee for the added areas until such date not being later than the thirtieth day of June nineteen hundred and twenty-eight as may be specified in the order and may for that purpose postpone the operation of this Act so far as relates to the rights and duties of the respective insurance committees for the

county and borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient. A.D. 1927.

(3) An order under this section shall have effect as if enacted in the National Health Insurance Act 1924 and may be revoked revised or amended by an order made in like manner as the original order.

(4) Subject to any order under this section the persons who immediately before the appointed day are members of the respective insurance committees for the county and the existing borough shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for the county as altered by this Act and the borough.

**136.** For the purposes and subject to the provisions of the Education Act 1921— Transfer of public elementary schools &c. to Corporation.

- (1) All public elementary schools provided by the county council as local education authority and situate in the added areas and the furniture fittings books and apparatus belonging to the county council of any public elementary school in the added areas shall by virtue of this Act be transferred to and vested in the Corporation as the local education authority for all the estate and interest therein of the county council as the local education authority :
- (2) All contracts debts and liabilities which at the appointed day are existing or are owing by or attach to the county council in respect exclusively of any public elementary school in the added areas or of the furniture fittings books or apparatus or with respect to the officers and teachers of any public elementary school in the added areas and to school attendance officers school nurses and other persons employed whole time in connection with education services exclusively in the added areas shall by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority :
- (3) For the purposes of the foregoing provisions of this section an equitable adjustment shall be made between the Corporation and the county



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council and section 68 of the Act of 1894 shall apply to the adjustment :

- (4) Subject to any adjustment which may hereafter be made the liability for the repayment of so much of any loan raised exclusively in respect of any public elementary school or in respect of the furniture fittings or apparatus transferred to and vested in the Corporation by virtue of this Act as will be owing at the appointed day and the liability for the payment of interest on that part of the said loan shall by virtue of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as will be owing at the appointed day shall be charged on the general rate fund and the general rate and shall be repaid by the Corporation within the period for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :
- 5) In this section "public elementary school" includes the site and school house and also any land acquired and held by the county council as the local education authority for the purposes of elementary education.

Apportionment of balances and sums received under precepts.

**137.**—(1) As soon as practicable after the appointed day the county council and the Wirral Council shall as regards any cash balance in their hands at the appointed day estimate the proportion thereof derived from contributions paid by each of the added areas and subject to a deduction on account of undischarged liabilities in respect of that added area accruing up to the appointed day shall transfer such amount to the Corporation.

(2) Any sum received after the appointed day by the county council or the Wirral Council under a precept issued or rate made before that day in respect of any area comprising one of the added areas shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Act.

Adaptation of provisions as to adjustment.

**138.** Section 62 (Adjustment of property and liabilities) of the Act of 1888 shall apply to any adjust-

ment which may become necessary in consequence of this Act and for the purposes of such application that section shall have effect—

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—

- (a) As if in subsections (5) (6) and (7) thereof the expression “council” included any authority affected by this Act or by anything done in pursuance of this Act; and
- (b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all moneys so borrowed shall be repaid within such period as the Minister may sanction :

Provided that where the authority affected by this Act or by anything done in pursuance of this Act are the board of guardians of a poor law union section 62 of the Act of 1888 shall apply with respect to any necessary adjustment with the modifications specified in the First Schedule to the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

**139.** For the purposes of the application of section 62 (Adjustment of property and liabilities) of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the alteration of the area or the abolition of any existing township that section shall have effect—

Parochial  
adjust-  
ments.

- (a) As if the general rate leviable under the Rating Act for the purposes of the said section as applied by this Act were substituted for any fund mentioned in that section; and
- (b) As if for subsections (6) and (7) of the said section there were substituted the subsections hereunder appended (that is to say):—

“ (6) If it is necessary for the purpose of  
“ giving effect to any agreement or award  
“ for an adjustment that any amount shall

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“ be charged separately on a part only of  
“ any rating area the agreement or award  
“ may authorise the levying of that amount  
“ on that part of the rating area as an  
“ additional item of the general rate in  
“ accordance with the provisions of sub-  
“ section (5) of section 2 of the Rating Act.

“ (7) Any capital sum paid for the pur-  
“ poses of any adjustment or in pursuance  
“ of any order or award of an arbitrator  
“ shall be applied by such person in such  
“ manner and for such purpose as the  
“ Minister of Health may authorise or direct.”

Balances in  
accounts of  
guardians or  
rural district  
councils.

**140.** Any balances standing at the appointed day  
in the books of—

(a) the Wirral Guardians or the Wirral Council  
to the credit or debit of the existing township  
of Moreton; and

(b) the Birkenhead Guardians or the Wirral Council  
to the credit or debit of the existing township  
of Bidston-cum-Ford;

shall be matters for adjustment under section 62  
(Adjustment of property and liabilities) of the Act  
of 1888.

Balances  
and debts  
of rating  
authority.

**141.** Subject to any adjustment under this Act—

(1) Any balance immediately before the appointed  
day in the hands of the rating authority  
of the existing township of Moreton shall  
be duly accounted for and paid over to  
the Corporation as rating authority under  
the Rating Act and any balance at the  
appointed day due to the rating authority  
of that township shall be paid by the  
Corporation as such rating authority;

(2) Any balance immediately before the appointed  
day in the hands of or due to the rating  
authority of the existing township of Bidston-  
cum-Ford shall be a matter for adjustment  
under section 62 (Adjustment of property  
and liabilities) of the Act of 1888.

**142.** All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the Wirral Council are invested in pursuance of any order issued by the Local Government Board or the Minister under the Public Health Acts in respect of the existing township of Bidston-cum-Ford shall be deemed to vest in and attach to the Wirral Council in respect of that township as altered by this Act and any other Act passed in the present session of Parliament.

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Urban powers &c. in excluded part of Bidston.

**143.** Subject to any adjustment all rates not collected at the appointed day and levied by overseers or any rating authority upon any hereditament situate in any township affected by this Act shall be collected and recovered by the rating authority under the Rating Act in respect of the rating area in which the hereditaments will be situate by virtue of this Act or by other officers of such rating area last mentioned competent in that behalf.

Arrears of rates made by rating authorities.

**144.—**(1) The accounts of the Moreton Parish Council shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Act had not been passed.

Audit of accounts of Moreton Council.

(2) Any sum certified by the district auditor to be due from any person at any such audit shall be paid to the treasurer.

(3) This section shall apply to the accounts of any committee or officer of the Moreton Parish Council as it applies to the accounts of the parish council.

**145.—**(1) The registration officer of the parliamentary county of Chester shall on publication of the electors' lists for each registration unit comprising any part of the added areas which is within that parliamentary county supply the registration officer of the parliamentary borough of Wallasey with a sufficient number of copies of those lists.

Duplicate entries in electors' lists.

(2) It shall be the duty of the registration officer of the parliamentary borough to issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Act of 1918 in order

A.D. 1927. — to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections or in any ward of the township for the purpose of guardians elections.

(3) Where the registration officer of the parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the added areas which is within the parliamentary county of Chester he shall forthwith notify the registration officer of that parliamentary county and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register for nineteen hundred and twenty-eight and of later registers.

Provisions  
as to  
register of  
electors.

**146.**—(1) For the purposes of the register of local government electors of the borough prepared in the year nineteen hundred and twenty-eight and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have formed part of the borough as from the twenty-eighth day of February nineteen hundred and twenty-eight.

(2) If the register of local government electors for any electoral area affected by this Act is not so framed as to show the persons entitled to vote at an election or parish meeting to be held for a township or ward or other voting area—

(a) the town clerk in the case of an election for any voting area within the borough; and

(b) the registration officer of the parliamentary county in the case of an election or parish meeting for any voting area outside the borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(3) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary



or desirable to give effect to the provisions of this Act and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors. A.D. 1927.

147. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Act the following provisions shall have effect (that is to say) :— Settle-  
ment and  
removal of  
poor.

(1) Every person who at the appointed day has acquired or is in the course of acquiring a settlement in any of the existing townships of Wallasey Moreton or Bidston-cum-Ford by reason of any residence completed or in the course of completion of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation—

(a) in the existing township of Wallasey ;  
or

(b) in either of the added areas ;

shall be deemed to have acquired or to be in the course of acquiring a settlement in the township and as if the existing township or the added part of the existing township were and had always been the township :

(2) Every person who at the appointed day has acquired or is in the course of acquiring a status of irremovability from the Wirral Union by reason of residence in the existing township of Moreton shall be deemed to have acquired or to be in the course of acquiring a status of irremovability from the Birkenhead Union :

(3) For the purposes of this section consecutive periods of residence in any portions of an existing parish divided by this Act shall be aggregated and reckoned as continuous residence in that part of the existing parish in which the person was residing immediately before the appointed day.

148. Until new valuation lists come into force— Valuation  
lists.

(1) The valuation lists of the existing townships of Moreton and Wallasey and the portion of

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the valuation list of the existing township of Bidston-cum-Ford which relates to hereditaments in the added part of Bidston shall together form the valuation list of the township :

- (2) The portion of the valuation list of the existing township of Bidston-cum-Ford which relates to hereditaments in the excluded part of Bidston shall (subject to the provisions of the Birkenhead Extension Act 1927) be deemed to be the valuation list of the township of Bidston-cum-Ford as altered by this Act and the said Birkenhead Extension Act 1927 :

Provided that in the case of any hereditament situate partly in the added part and partly in the excluded part of Bidston the values to be included in the valuation list of the township and in the valuation list of the township of Bidston-cum-Ford respectively shall be determined by agreement between the rating authorities of the rating areas which include the added part of Bidston and the excluded part of Bidston respectively or failing such agreement by arbitration under the Arbitration Act 1889.

County  
rate basis.

**149.**—(1) Subject to any future revision the basis of the county rate of the county shall be altered as follows :—

- (a) The net annual value of property in the existing township of Moreton shall be omitted therefrom ;  
(b) From the amount appearing therein as the net annual value of the hereditaments in the existing township of Bidston-cum-Ford there shall be deducted such sum as will represent the net annual value of the hereditaments in the added part of Bidston.

(2) For the purposes of this section the net annual value of the agricultural land in a part of an existing township shall be the amount which bears the same relation to the net annual value of agricultural land in the existing township as the total rateable value of the agricultural land in such part bears to the total rateable value of the agricultural land in the existing township.

(3) For the purpose of ascertaining the net annual value of other hereditaments (not being agricultural

land) in a part of an existing township the preceding subsection of this section shall apply with the substitution for "agricultural land" of "hereditaments other than agricultural land." A.D. 1927.

(4) In this section "net annual value" means the net annual value according to the basis of the county rate which is being altered in pursuance of this section and "total rateable value" means the total rateable value according to the valuation list of the existing township last in force before the appointed day.

(5) For the purpose of the preparation of any order for county contributions to be issued by the county council after the appointed day this section shall operate from the date of this Act.

**150.**—(1) All rate books books of account minutes of proceedings deeds papers and writings belonging to the existing townships of Wallasey or Moreton and belonging to the existing township of Bidston-cum-Ford in relation exclusively to the added part of Bidston and all documents directed by law to be kept with the public books writings and papers of those townships respectively except any book or document relating to ecclesiastical matters shall be deposited in such custody as the Corporation may direct. Parish books and documents.

(2) Any ratepayer of any of the existing townships aforesaid shall at all times have the same right of inspection and of making extracts from the books minutes deeds papers or writings referred to in this section which he would have had if this Act had not been passed.

**151.**—(1) Every officer in office at the passing of this Act who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees or salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss. Compensation to existing officers.

(2) Any officer whose services are dispensed with or whose salary is reduced within five years after the appointed day because his services are not required or

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Determina-  
tion of  
compensa-  
tion.

**152.**—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Act regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 (Compensation to existing officers) of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

(2) Any compensation payable under this Act to any officer shall be paid out of the general rate fund and general rate and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any necessary modifications:—

- (a) Any reference in that section to the county council shall be construed as a reference to the Corporation;
- (b) References in that section to “the passing of this Act” shall be construed as references to the date on which the direct pecuniary loss commences;
- (c) The expression in subsection (1) of that section “the Acts and rules relating to Her Majesty’s Civil Service” shall mean the Acts and rules relating to Her Majesty’s Civil Service which were in operation at the date of the passing of the Act of 1888;
- (d) The references in subsections (4) and (6) of that section to the Treasury shall be deemed to be references to the Minister;
- (e) The words “any local authority as defined in “the Local Government and other Officers’ Superannuation Act 1922.” shall be substituted for the words “the same or any other county council” in subsection (7) of that section.

(3) The compensation payable under this Act to an officer who immediately before the appointed day held two or more offices under any local authority or local authorities and who devoted the whole of his time to the

duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

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(4) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Corporation shall take into account all the service of any such officer (after the attainment of the age of eighteen years) in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(5) All fees or remuneration received by an officer in connection with the preparation of the jurors book or the register of electors shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation.

(6) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's forces or the forces of the allied or associated powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence Provided that in the case of an officer who after the armistice voluntarily extended his term of service in the forces no period of absence during such extension shall be so reckoned.

(7) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

(8) For the purposes of this section and the next preceding section the following offices shall be deemed to be offices under a local authority namely clerk to an assessment committee constituted under the Rating Act



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A.D. 1927. superintendent registrar registrar of births and deaths  
— registrar of marriages vaccination officer and school  
attendance officer.

(9) The provisions of the immediately preceding section of this Act and the foregoing provisions of this section shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority :

Provided that in the case of a teacher employed in a public elementary school maintained but not provided by the authority, the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day.

(10) In the application of subsection (7) of section 120 of the Act of 1888 in the case of a teacher to whom a compensation allowance has been granted in pursuance of this section service in a public elementary school maintained but not provided by a local authority shall be deemed to be service in an office under that authority.

Compensa-  
tion and  
super-  
annuation

**153.** No officer shall be entitled to receive compensation under this Act for any direct pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

As to  
Leasowe  
Common.

**154.**—(1) The mayor aldermen and burgesses of the county borough of Birkenhead (in this section referred to as “the Birkenhead Corporation”) shall as from the appointed day transfer to the Corporation the management regulation and control of the area of fifty-four acres or thereabouts of common lands of the manor of Great Meols in the township of Moreton the management regulation and control of which is vested in the Birkenhead Corporation in pursuance of the provisions of section 57 (Part of common lands to remain open under management of Birkenhead Corporation) of the Hoylake and West Kirby Improvement Act 1900.

(2) As from the appointed day the said section 57 shall be read and have effect as if the Corporation were therein referred to instead of the Birkenhead Corporation. A.D. 1927.

(3) The Corporation shall pay the costs of the Birkenhead Corporation in connection with such transfer.

(4) From and after the appointed day the Corporation shall assume all the liabilities of the Birkenhead Corporation in respect of the said common lands and shall pay all expenses and outgoings for the government maintenance and preservation thereof.

(5) The residents of the county borough of Birkenhead shall at all times after the appointed day have equal rights with the residents of the borough in the use and enjoyment of the said common lands.

**155.** Any references in this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 until such corresponding provision is repealed by the Education Act 1921. References to Education Act 1921.

**156.**—(1) As from the appointed day the person who immediately before that day is the representative on the assessment committee of the county of the area of the county which includes the added areas or any part thereof shall cease to represent the added areas or such part. Application of Rating Act.

(2) As from the date of the passing of this Act the added areas shall for all purposes connected with the making and approval of the first new valuation list under Part II of the Rating Act form part of the rating area and of the assessment area of the borough and except for such purposes shall until the appointed day remain part of the rating area of the Wirral Council and of the assessment area of the county in which it was situate immediately before the passing of this Act.

(3) As from the appointed day the added areas shall cease to form part of any assessment area of the county under the Rating Act and shall be included in the assessment area of the borough and any schemes which have been made under that Act shall be modified accordingly.

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(4) The council at their first meeting after the appointed day shall select for retirement one member of the council who is also a member of the assessment committee for the area of the borough and shall also select as a member of such assessment committee in lieu of the member so retiring one of the councillors elected for the Leasowe Ward or the Moreton Ward.

(5) The councillor so selected as a member of the assessment committee shall continue in office as a member of that committee until the date upon which the member so retiring as aforesaid would go out of office in the ordinary course.

Saving for  
Wallasey  
Embank-  
ment Com-  
missioners.

**157.** Nothing in this Part of this Act shall be deemed to affect the rights powers or privileges of the Wallasey Embankment Commissioners under the Wallasey Embankment Acts 1829 to 1923 nor to exempt any person from or to render any person liable to the payment of rates which can now be levied for the purposes of the said Acts on any lands situated within the added areas.

Saving for  
qualification  
of aldermen  
councillors  
&c.

**158.** An alderman councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification by reason of the alterations of area made by this Act.

Saving  
for actions  
contracts  
&c.

**159.** No alteration effected by this Act shall cause to abate prejudicially affect or prevent any action cause of action or proceeding which at the appointed day is pending or existing by or against the rural council or any of the parish councils or boards of guardians affected by this Act or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by any such council or board or their predecessors :

Provided that—

(1) Any action cause of action or proceeding which at the appointed day is pending or existing by or against any such council or board in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation or the Birkenhead guardians (as the case may be); and

(2) All contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such council or board (or their predecessors) in relation exclusively to any part of the added areas may be continued and enforced as fully and effectually as if instead of such council or board (or their predecessors) the Corporation or the Birkenhead Guardians (as the case may be) had been a party thereto.

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**160.** Notwithstanding the alterations in the areas of townships or districts effected by this Act all contribution orders issued and precepts made before the appointed day shall be as valid in law as if this Act had not been passed.

Saving for contribution orders and precepts.

**161.** Nothing contained in this Act shall affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment.

Saving for ecclesiastical divisions and charities.

**162.** Except as expressly provided by this Act nothing contained in this Act shall—

Saving provisions.

(a) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the county council or the Corporation under the Act of 1888 or the Act of 1894;

(b) affect the limits of the parliamentary borough of Wallasey or of the parliamentary county of Chester or of any division thereof or the powers of the county council under section 31 (Division of constituency into polling districts and appointment of polling places) of the Act of 1918 or any order or scheme made by the county council for the division of the parliamentary county of Chester into polling districts and the appointment of polling places for parliamentary elections;

(c) affect land tax.

**163.** For the purpose of income tax the provisions of the section of this Act whereof the marginal note

Saving as to income tax.

A.D. 1927. is "Alteration of townships" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purposes of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

As to  
sewerage of  
existing  
township of  
Moreton.

**164.**—(1) Nothing in this Act contained shall prevent or interfere with the construction completion maintenance and working by the Wirral Council (or by the Wirral Council and the Corporation) of the system of sewerage and sewage disposal known as "the North Wirral Outfall Sewerage Scheme" which has been sanctioned by the Minister and which provides for the disposal of the sewage of part of the existing township of Moreton and other areas in the Wirral District.

(2) After the appointed day all the sewage (other than surface and storm water) of that part of the existing township of Moreton shall be disposed of by the Corporation by means of the said North Wirral Outfall Sewerage Scheme.

(3) The manner in which and the terms and conditions upon and subject to which the said sewage shall be so disposed of as aforesaid shall be settled by agreement between the Corporation and the Wirral Council or failing such agreement shall be determined by the Minister or by an arbitrator appointed by the Minister.

For protec-  
tion of  
river  
Mersey.

**165.**—(1) The Corporation shall not after the passing of this Act unless authorised by Act of Parliament or Provisional Order confirmed by Parliament construct any new sewage outfall into the river Mersey so as to discharge sewage (other than surface or storm water) into the said river or discharge such sewage by means of Work No. 13 authorised by Part III of this Act unless in either case such sewage shall (prior to such discharge) have been screened so as to remove therefrom all solid matter.

(2) Any difference which may arise between the Corporation on the one hand and the dock board on the other hand as to the screens to be provided and maintained under this section shall be determined by an engineer to be appointed failing agreement on the application of either party after notice in writing to the



other by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such determination. A.D. 1927.

PART X.

FINANCE AND RATING.

**166.**—(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 in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (each of which is referred to as “the prescribed period” in certain of the enactments extended and applied to and for the purposes of this Act by the section thereof of which the marginal note is “Application of financial provisions of Act of 1896”) mentioned in the third column of the said table (namely):—

| 1  | 2          | 3   |
|--|------------|---|
| Purpose.   | Amount     | Period for repayment.                             |
| (a) The construction of the tramway authorised by this Act.  | £<br>2,100 | Thirty years from the date or dates of borrowing. |
| (b) The electrical equipment of the said tramway.  | 150        | Twenty years from the date or dates of borrowing. |
| (c) The provision of trolley vehicles  | 11,200     | Ten years from the date or dates of borrowing.    |
| (d) The provision of electrical equipment and the construction of other works necessary for working such trolley vehicles. | 15,500     | Twenty years from the date or dates of borrowing. |
| (e) The erection of buildings for the purposes of the trolley vehicles of the Corporation.                                 | 20,000     | Thirty years from the date or dates of borrowing. |
| (f) The construction of Works Nos. 1 to 13 inclusive authorised by this Act.   | 857,596    | Sixty years from the date or dates of borrowing.  |

Power to borrow.

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| 1   | 2                  | 3   |
|---|--------------------|---|
| Purpose.  | Amount.            | Period for repayment.                                 |
| (g) The construction of Works Nos. 16 to 24B inclusive authorised by this Act.  | £<br>38,390        | Thirty years from the date or dates of borrowing.     |
| (h) The purchase of lands for the construction of the said promenades new roads street improvements and other works.  | 86,000             | Sixty years from the date or dates of borrowing.      |
| (i) The purchase of the undertaking of the company.   | 13,000             | Twenty years from the date or dates of borrowing.     |
| (j) The re-construction and improvement of the New Brighton Pier.   | 15,000             | Twenty years from the date or dates of borrowing.     |
| (k) Making any payment to the county council or to any other authority under Part IX of this Act or under any enactment the provisions of which are applied thereby (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in or applicable to the provisions of the said part which annuity the Corporation are hereby empowered to purchase). | The sum requisite. | Forty-five years from the date or dates of borrowing. |
| (l) Making any payment under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."   | The sum requisite. | Twenty years from the date or dates of borrowing.     |
| (m) The payment of the sums payable to the Hoylake Council under the provisions of the sections of this Act of which the marginal notes are "Extension of gas limits" and "Extension of water limits."  | 30,000             | Fifty years from the date or dates of borrowing.      |
| (n) 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 moneys as may be necessary for any of the purposes of Part II (Tramways trolley vehicles and omnibuses) and Part IV (New Brighton Pier) of this Act and with the consent of the Minister such further money as may be necessary for any of the other purposes of this Act.

A.D. 1927.

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

- (i) for the purposes of the tramway undertaking of the Corporation (including the trolley vehicle and omnibus undertakings authorised by this Act) with the consent of the Minister of Transport;
- (ii) for the purposes of the electricity undertaking with the consent of the Electricity Commissioners;
- (iii) for the purposes of any undertaking of the Corporation (other than the tramway trolley vehicle omnibus or electricity undertakings) with the consent of the Minister.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(d) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

**167.** The following provisions of the Act of 1896 shall (subject to the provisions of this Act and with any necessary modifications) extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely) :—

Application  
of financial  
provisions  
of Act of  
1896.

- Section 24 (Mode of raising money);
- Section 25 (Certain regulations of Public Health Act not to apply);
- Section 26 (Application of provisions of Public Health Act as to mortgages);
- Section 28 (Mode of repayment of money borrowed on mortgage);
- Section 31 (Council not to regard trusts);
- Section 32 (Appointment of receiver);
- Section 36 (Application of money borrowed);
- Section 37 (Protection of lender from inquiry);
- Section 39 (Expenses of execution of Act).

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Consoli-  
dated loans  
fund.

**168.**—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and twenty-eight 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—

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are 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 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; and
- (b) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys 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 including the interest arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

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(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.

(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 and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

**169.**—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

Sinking  
fund.

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

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.



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(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

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

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

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

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

(6) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the

Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct. A.D. 1927.

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

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

(9) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(10) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister may determine.

(11) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

[Ch. cxxii.] *Wallasey Corporation* [17 & 18 GEO. 5.]  
Act, 1927.

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Investment  
of and pay-  
ments into  
sinking  
fund.

**170.** When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):—

- (1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities :
- (2) The accumulations of the said yearly sums shall be paid and provided out of the general rate fund and the general rate and any interest dividends and the proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general rate fund.

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

**171.**—(1) Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance superannuation or other similar fund (in this section referred to as “the lending fund”) subject to the following conditions :—

- (a) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable :

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being out-

standing as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power; A.D. 1927.  
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(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power;

(c) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

(2) Section 62 of the Act of 1901 is hereby repealed.

**172.** In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts. As to section 234 of Public Health Act 1875.

**173.** Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not Period for repayment of loans under Municipal Corporations Act 1882.

A.D. 1927. exceeding sixty years as the Minister shall in each case prescribe.

Interest on mortgages held jointly. **174.** Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Evidence of transfer or transmission of securities. **175.** 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 (except securities issued under the Local Loans Act 1875 and except 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 town clerk 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.

Subscriptions to local government associations and other expenses. **176.** The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public



ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough. A.D. 1927.

**177.**—(1) Subject to the provisions of subsection (2) of this section but notwithstanding anything contained in any enactment all money received by the Corporation in any year ending on a thirty-first day of March subsequent to the thirty-first day of March nineteen hundred and twenty-eight on account of the revenue of their tramway electricity gas water pier and ferries undertakings shall be carried to and shall form part of the revenue for that year of the general rate fund and all payments and expenses made and incurred in respect of each of those undertakings in the same year shall be paid out of that fund. Revenue and expenses of undertakings.

(2) Nothing contained in this section shall be deemed to authorise the Corporation to apply or dispose of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of the tramway gas water pier or ferries undertakings of the Corporation in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

**178.**—(1) As from the first day of April nineteen hundred and twenty-eight the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as regards the revenue accounts to show under a separate heading or division in respect of each of the following undertakings (that is to say) the tramway undertaking the electricity undertaking the gas undertaking the water undertaking the pier undertaking and the ferries undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show Separate accounts in respect of trading undertakings.

A.D. 1927. in each case the amounts expended in respect of each  
— of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

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

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

Reserve  
funds.

**179.**—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely):—

- (a) the tramway undertaking;
- (b) the gas undertaking;
- (c) the water undertaking;
- (d) the pier undertaking;
- (e) the ferries undertaking;

by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum

reserve fund for the time being prescribed by the Corporation not exceeding in the case of the tramway and ferries undertakings a sum equal to one-fifth and in the case of each of the other undertakings a sum equal to one-tenth of the aggregate capital for the time being expended by the Corporation upon the undertaking.

A.D. 1927.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the commencement of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

**180.** As from the first day of April nineteen hundred and twenty-eight the following enactments are hereby repealed (namely) :—

Repeal of certain provisions relating to accounts and revenues.

The Act of 1858—

Section 65 (Application of Wallasey Waterworks Account);

Section 66 (Application of Wallasey Lighting Account);

Section 67 (Application of Wallasey Ferries Account).

The Act of 1899—

Section 63 (Application of revenue of tramway undertaking and deficiency of receipts).

A.D. 1927.

Annual  
account to  
be sent to  
Ministry of  
Transport.

**181.**—(1) The Corporation shall within four months after the date to which their annual accounts and balance sheets are made up send a copy of the accounts of the ferries and pier undertakings to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Corporation and all or any such accounts.

(2) The Corporation shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provision.

(3) The accounts of the Corporation referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

Insurance  
fund.

**182.**—(1) The Corporation may if they think fit establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;
- (ii) Risk of accident and claims by third parties in respect of tramways trolley vehicles omnibuses ferries fire engines scavenging vehicles motor cars and motor transport vehicles;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;

- (v) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation; A.D. 1927.
- (vi) Risks of mechanical or electrical or other breakdown at or in connection with any of the undertakings or works of the Corporation;
- (vii) Risks of loss due to infidelity of officials of the Corporation;
- (viii) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

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

- (a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or
- (b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the insurance fund shall amount to one hundred and fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below one hundred and fifty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of one hundred and fifty thousand pounds.



A.D. 1927.

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

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general rate fund.

(7) For the purposes of this section the Corporation may if they deem it expedient and by arrangement with the managers of any public elementary school or the governing body of any college secondary school institute or hostel not provided by the Corporation as the local education authority include in the risks insured under paragraph (iv) of subsection (1) of this section risks of accident to any teacher employed in any such school college institute or hostel.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency. The amounts of the annual charges

in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise. A.D. 1927.

(9) Section 122 (Power to create accident fund) of the Act of 1906 is hereby repealed and any money standing to the credit of any fund formed under that section shall be carried to the credit of the insurance fund.

**183.** In its application to the borough section 11 (Rating of and collection of rates by owners) of the Rating Act shall be read and have effect as if the words "seventeen pounds" were therein inserted instead of the words "thirteen pounds." Modification of section 11 of Rating Act.

**184.**—(1) Any water rate or charge payable to the Corporation may be collected together with the general rate and the same books may be used for the said rate and charge and the general rate. Water rate may be collected with general rate.

(2) The general rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the general rate and water rate or charge shall be in such form as the Minister may from time to time prescribe.

**185.** The Corporation may make an allowance by way of discount not exceeding five per centum on the amount due in respect of any general rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as they shall prescribe and in any such case the Corporation shall make such allowance accordingly. Provided that any such allowance shall in every case be of equal amount under like circumstances. Discount on general rate.

**186.** So much of section 72 (Application of financial provisions of Act of 1896) of the Act of 1920 as extends and applies to the exercise of the powers of that Act the provisions of section 40 (Audit of accounts) of the Act of 1896 is hereby repealed. Amendment of section 72 of Act of 1920.

A.D. 1927.

PART XI.

MISCELLANEOUS.

Power to  
establish  
information  
bureaus.

**187.** The Corporation may in the borough establish and maintain an information bureau or information bureaus for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others or may subscribe towards the establishment of any such bureau and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaus or for information supplied by means thereof.

As to ferry  
tolls.

**188.**—(1) Notwithstanding anything contained in any previous enactment the Corporation may demand and receive for the use of any of their ferries and for the conveyance of passengers vehicles goods animals and things on any such ferry or in any steam or other boat for the time being belonging to them tolls rates and charges not exceeding such tolls rates and charges as may from time to time be approved by the Minister of Transport.

(2) As from the date upon which a scale of tolls rates and charges approved by the Minister of Transport under the provisions of this section shall come into operation the following enactments shall be repealed (namely):—

Section 39 (Power to Local Board to levy tolls for use of ferries &c.) of the Act of 1858;

The words “the Local Board shall not at any  
“time demand or take a greater ferry toll or  
“make any greater charge for ferriage than  
“the amounts specified in the Schedule (C) to  
“this Act” in section 22 (Ferries to be free  
on payment of tolls) of the Act of 1867;

Schedule (C) of the Act of 1867;

The Wallasey Order 1918;

The Wallasey Order 1920.

(3) Sections 42 to 44 both inclusive and 46 to 50 both inclusive of the Act of 1858 with respect to the

levying recovery and collection of ferry tolls and section 16 of the Act of 1864 relating to the alteration of ferry tolls shall be incorporated with this section and shall apply to tolls rates and charges authorised to be levied by the Minister of Transport thereunder as if the same were ferry tolls authorised to be levied under the Act of 1858 and the Act of 1864 or either of them.

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**189.**—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and by the Minister of Transport under the hand of the acting conservator of the river Mersey and subject to such restrictions and regulations as the said Board and the Minister of Transport may prescribe before such work is begun.

Works below high-water mark to be subject to approval of Board of Trade and Minister of Transport.

(2) Any alteration or extension of any such work shall be subject to the like approval.

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

**190.**—(1) The Corporation shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade and the Minister of Transport shall from time to time require or approve.

Lights on works during construction.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an

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Permanent lights on works.

**191.**—(1) After the completion of the works by this Act authorised the Corporation shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Provision against danger to navigation.

**192.**—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Survey of works by Board of Trade and Minister of Transport.

**193.** If at any time the Board of Trade the Minister of Transport or the acting conservator of the river Mersey acting on his behalf deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of



the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade or the Minister of Transport or the acting conservator of the river Mersey acting on his behalf summarily as a civil debt. A.D. 1927.

**194.**—(1) Where any work constructed by the Corporation under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade or the Minister of Transport or the acting conservator of the river Mersey acting on his behalf may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade or the Minister of Transport or the acting conservator of the river Mersey acting on his behalf may think proper. Abatement of work abandoned or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade or the Minister of Transport or the acting conservator of the river Mersey acting on his behalf may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade or the Minister of Transport or the acting conservator of the river Mersey acting on his behalf may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

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—  
Application  
of general  
provisions  
of Acts of  
1906 and  
1920.

**195.** The following sections of the Act of 1906 and the Act of 1920 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were enacted in this Act :—

The Act of 1906—

Section 136 (Compensation &c. how to be determined);

Section 137 (Recovery of penalties);

Section 138 (Informations by whom to be laid);

Section 139 (Penalties to be paid over to treasurer);

Section 140 (Recovery of demands);

Section 141 (Application of section 265 of Public Health Act 1875);

Section 142 (Saving for indictment &c.);

Section 143 (Judges not disqualified);

Section 144 (Powers of Act cumulative); and

Section 145 (Crown rights).

The Act of 1920—

Section 85 (Provisions as to byelaws);

Section 86 (Inquiries by Minister of Health):

Provided that—

(a) The said section 85 of the Act of 1920 shall not apply in respect of byelaws made under Part II of this Act; and

(b) In the application of the said section 86 of the Act of 1920 the same shall have effect as if the words "five guineas" were inserted therein instead of "three guineas."

As to  
byelaws  
affecting  
foreshore.

**196.** No byelaws under the provisions of section 7 (Board may make byelaws as to user of foreshore) of the Act of 1890 or section 64 (Byelaws as to foreshore) of the Act of 1920 which are made by the Corporation after the passing of this Act shall come into operation until the consent of the Board of Trade to such byelaws has been obtained.

**197.** The following provisions of the Order of 1852 the Act of 1890 the Act of 1906 and the Act of 1920 are hereby repealed :—

A.D. 1927.

—  
Repeal.

The Order of 1852—

So much of Article 17 as incorporates sections 109 to 111 inclusive of the Towns Improvement Clauses Act 1847.

The Act of 1890—

Section 18 (Height of buildings);

Section 19 (Height of rooms);

Section 21 (Power of inspection);

Section 22 (Power of surveyor on inspecting).

The Act of 1906—

Section 63 (Height of chimneys);

Section 65 (Area of habitable rooms).

The Act of 1920—

Section 23 (Power to require intending passengers to wait in lines or queues);

Section 33 (Trees overhanging highways).

**198.** 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 Parts VI or VII of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding 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 works.

Penalty on occupiers refusing execution of Act.

**199.** The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for Power of entry.

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A.D. 1927. — disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Parts VI and VII of this Act as if those purposes had been mentioned in the said section 102.

Consents of Corporation to be in writing.

**200.** All consents given by the Corporation under the provisions of this Act or of any local Act order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Apportionment of expenses in case of joint owners.

**201.** Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those 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.

Appeal to quarter sessions.

**202.** 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 Parts VI VII and VIII of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal.

Inquiries by Minister of Transport.

**203.** 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."

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

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—  
Costs of  
Act.



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The SCHEDULES referred to in the  
foregoing Act.

**THE FIRST SCHEDULE.**

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

| Borough.   | Numbers on deposited Plans.  |
|------------|--|
| Wallasey - | - 4 15 32 to 35 38 39 58 59 61 74 75 80 86<br>99 115 to 143 148 to 157 163 163A 167<br>to 169. |

**THE SECOND SCHEDULE.**

PART I.—LOCAL ACTS.

| Session and Chapter.        | Short title.   |
|-----------------------------|--|
| 8 Vict. c. vi. -            | - The Wallasey Improvement Act 1845.                           |
| 21 & 22 Vict. c. lxxiii. -  | - The Wallasey Improvement Act 1858.                           |
| 24 Vict. c. iv. -           | - The Wallasey Improvement Act 1861.                           |
| 27 & 28 Vict. c. cxvii. -   | - The Wallasey Improvement Act 1864.                           |
| 30 & 31 Vict. c. cxxxii. -  | - The Wallasey Improvement Act 1867.                           |
| 35 & 36 Vict. c. cxxv. -    | - The Wallasey Improvement Act 1872.                           |
| 53 & 54 Vict. c. cxxi. -    | - The Wallasey Local Board Act 1890.                           |
| 59 & 60 Vict. c. ccix. -    | - The Wallasey Urban District Council<br>(Promenade) Act 1896. |
| 62 & 63 Vict. c. xv. -      | - The Wallasey Tramways and Improve-<br>ments Act 1899.        |
| 1 Edw. 7. c. cclxi. -       | - The Wallasey Improvement Act 1901.                           |
| 6 Edw. 7. c. clxi. -        | - The Wallasey Tramways and Improve-<br>ments Act 1906.        |
| 9 Edw. 7. c. xli. -         | - The Wallasey Tramways and Improve-<br>ments Act 1909.        |
| 10 & 11 Geo. 5. c. cxxviii. | The Wallasey Corporation Act 1920.                             |

PART II.—CONFIRMATION ACTS.

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| Session and Chapter.      | Short title.   | Order thereby confirmed.   |
|---------------------------|--|--|
| 16 Vict. c. xxiv.         | The Public Health Supplemental Act 1853 (No. 1).   | The Wallasey Order 1852.   |
| 26 & 27 Vict. c. lxiv.    | The Local Government Supplemental Act 1863 (No. 2).  | The Wallasey Order 1863.   |
| 33 & 34 Vict. c. cxiv.    | The Local Government Supplemental Act 1870.  | The Wallasey Order 1870.   |
| 39 & 40 Vict. c. ccii.    | The Local Government Board's Provisional Orders Confirmation (Birmingham &c.) Act 1876.    | The Wallasey Order 1876.   |
| 40 & 41 Vict. c. ccxxvii. | The Local Government Board's Provisional Orders Confirmation (Caistor Union &c.) Act 1877. | The Wallasey Order (No. 1) 1877 and The Wallasey Order (No. 2) 1877. |
| 41 Vict. c. viii. -       | The Local Government Board's Provisional Orders Confirmation (Bristol &c.) Act 1878.       | The Wallasey Order 1878.   |
| 44 & 45 Vict. c. clxii.   | The Local Government Board's Provisional Orders Confirmation (Acton &c.) Act 1881.         | The Wallasey Order 1881.   |
| 46 & 47 Vict. c. cxxxvii. | The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1883.             | The Wallasey Order 1883.   |
| 51 & 52 Vict. c. lxii.    | The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1888.             | The Wallasey Order 1888.   |
| 55 & 56 Vict. c. ccxxiii. | The Local Government Board's Provisional Orders Confirmation (No. 12) Act 1892.            | The Wallasey Order 1892.   |
| 57 Vict. c. xx: -         | The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1894.             | The Wallasey Order 1894.   |
| 58 & 59 Vict. c. xl.      | The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1895.             | The Wallasey Order 1895.   |
| 59 Vict. c. xxix.         | The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1896.             | The Wallasey Order 1896.   |
| 60 & 61 Vict. c. lxvi.    | The Electric Lighting Orders Confirmation (No. 6) Act 1897.                                | The Wallasey Electric Lighting Order 1897.                           |
| 60 & 61 Vict. c. lxviii.  | The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1897.             | The Wallasey Order 1897.   |
| 61 & 62 Vict. c. xxxii.   | The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1898.             | The Wallasey Order 1898.   |

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| Session and Chapter.          | Short title.  | Order thereby confirmed.                   |
|-------------------------------|---|--|
| 62 & 63 Vict.<br>c. cxlv.     | The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1899.  | The Wallasey Order 1899.                   |
| 63 & 64 Vict.<br>c. clxxvii.  | The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1900.  | The Wallasey Order 1900.                   |
| 2 Edw. 7. c. lxxx.            | The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1902.  | The Wallasey Order 1902.                   |
| 3 Edw. 7. c. lviii.           | The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1903.  | The Wallasey Order 1903.                   |
| 5 Edw. 7. c. cvi.             | The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1905.  | The Wallasey Order 1905.                   |
| 7 Edw. 7. c. clvii.           | The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1907.  | The Wallasey Order 1907.                   |
| 9 Edw. 7.<br>c. cxviii.       | The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1909.  | The Wallasey Order 1909.                   |
| 2 & 3 Geo. 5.<br>c. cxxxvii.  | The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1912. | The County Borough of Wallasey Order 1912. |
| 8 & 9 Geo. 5.<br>c. i.        | The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1918.  | The Wallasey Order 1918.                   |
| 10 & 11 Geo. 5.<br>c. cx.     | The Ministry of Health Provisional Orders Confirmation (No. 3) Act 1920.        | The Wallasey Order 1920.                   |
| 12 & 13 Geo. 5.<br>c. xeviii. | The Ministry of Health Provisional Orders Confirmation (No. 10) Act 1922.       | The Wallasey Order 1922.                   |

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