



CHAPTER xcii.

An Act to extend the boundaries of the county borough of Derby to confer further powers upon the mayor aldermen and burgesses of that borough in relation to their water and tramway undertakings and other matters to make further provision in regard to the Derby Borough Court of Record and for other purposes. A.D. 1927.

[29th July 1927.]

WHEREAS the borough of Derby (in this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

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

And whereas—

- (a) The urban district of Alvaston and Boulton;
- (b) The parishes of Darley Abbey and Markeaton which are contributory places in the rural district of Belper;
- (c) The parish of Mickleover which is a contributory place in the rural district of Repton; and

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(d) The parishes of Chaddesden Littleover Normanton Sinfen Moor and Spondon which are contributory places in the rural district of Shardlow;

are situate in the administrative county of Derby and immediately adjoin the borough:

And whereas it is expedient to alter and extend the boundaries of the borough so as to include therein parts of the urban district and parishes hereinbefore mentioned:

And whereas—

(a) The Derby Union comprises the parish of Derby which is co-terminous with the borough and the parish of Darley Abbey;

(b) The Shardlow Union includes the parish of Alvaston and Boulton which is co-terminous with the urban district of Alvaston and Boulton and the parishes of Chaddesden Littleover Normanton Sinfen Moor and Spondon;

(c) The Belper Union includes the parish of Markeaton;

(d) The Burton-on-Trent Union includes the parish of Mickleover;

and it is expedient to extend the boundaries of the parish of Derby so as to include therein the several areas added to the borough:

And whereas it is expedient to extend the limits of the Corporation for the supply of water and to confer further powers upon them in relation to their water and tramway undertakings:

And whereas it is expedient to make further provision in regard to the Derby Borough Court of Record:

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 for A.D. 1927.
the purposes hereinafter mentioned and such estimates
are as follows:—

	£
For the construction of the waterworks authorised by this Act - - -	32,700
For the provision of mains and other purposes of the water undertaking of the Corporation - - -	150,000
For the construction of the tramway authorised by this Act - - -	5,700
For the provision of electrical equipment and the construction of the other works necessary for working the tramway authorised by this Act -	2,500
For the provision of omnibuses - - -	40,000
For the purchase of lands and the erection of buildings for the pur- poses of the omnibuses of the Cor- poration - - - - -	10,000

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

And whereas in relation to the promotion of the
Bill for this Act the requirements of 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 Derby 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

A.D. 1927. in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Act may be cited as the Derby Corporation Act 1927.

(2) The local Acts as hereinafter defined and this Act may be jointly cited as the Derby Corporation Acts 1825 to 1927.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Extension of borough.

Part III.—Lands.

Part IV.—Water.

Part V.—Tramways and omnibuses.

Part VI.—Financial provisions.

Part VII.—Miscellaneous provisions.

Incorporation of
Acts.

3. The following enactments (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):—

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

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

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

(2) The Waterworks Clauses Act 1847 except—

(a) The words “with the consent in writing of the owner or reputed owner of any such

“ house or of the agent of such owner ” in section 44 of the Waterworks Clauses Act 1847; A.D. 1927.

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts;

(3) The Waterworks Clauses Act 1863;

(4) Section 3. (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II and III of the Tramways Act 1870 :

Provided that the following words in the said section 19 shall not apply to the Corporation (namely) “ 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.”

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

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

(i) “ The borough ” means the existing borough of Derby as extended by this Act;

(ii) “ The existing borough ” means the borough as it exists immediately before the appointed day;

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

(iv) “ The council ” means the council of the borough;

(v) “ The town clerk ” means the town clerk of the borough and includes any person duly

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authorised to discharge temporarily the duties of that office;

(vi) "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 and Valuation Act 1925 comes into force in the borough) the borough fund and the borough rate of the borough;

(vii) "The county" and "the county council" mean respectively the administrative county of Derby and the county council of that county;

(viii) "The Alvaston district" means the existing urban district of Alvaston and Boulton and "the Alvaston Council" means as the context requires the urban district council of the said existing district or of such district as altered by this Act;

(ix) "The added part of Alvaston" means the part of the urban district and parish of Alvaston and Boulton which is coloured red on the borough map and "the excluded part of Alvaston" means the remaining part thereof;

(x) "The Belper district" "the Repton district" "the Shardlow district" "the Belper Council" "the Repton Council" and "the Shardlow Council" mean respectively the rural districts of Belper Repton and Shardlow and the rural district councils of those districts;

(xi) "The rural councils" means the councils last mentioned;

(xii) "The district councils" means the Alvaston Council and the rural councils;

(xiii) "The Derby Guardians" means the guardians of the poor of the Derby Union;

(xiv) "The added part" of each of the parishes hereinafter mentioned means the part of that parish which is coloured red on the borough map and "the excluded part" of each of those parishes means the remaining part thereof

namely Darley Abbey Markeaton Mickleover
Chaddesden Littleover Normanton Sinfen Moor
and Spondon;

(xv) "The western excluded part of Normanton" means so much of the excluded part of Normanton as adjoins the parish of Littleover and "the eastern excluded part of Normanton" means so much of the excluded part of Normanton as adjoins the parish of Sinfen Moor;

(xvi) "The added areas" means the added part of Alvaston and the parts of the Belper district the Repton district and the Shardlow district which are added to the existing borough by this Act;

(xvii) "The borough map" means the map signed in triplicate by the Right Honourable the Lord Darling the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one of which has been deposited with the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office;

(xviii) "The appointed day" means the first day of April nineteen hundred and twenty-eight;

(xix) "Existing" in relation to any area altered by this Act means existing immediately before the appointed day;

(xx) "Officer" includes a servant;

(xxi) "The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

(xxii) "The Act of 1888" "the Act of 1894" and "the Act of 1925" mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Rating and Valuation Act 1925;

(xxiii) "The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

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(xxiv) "The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same;

(xxv) "The local Acts" means the local Acts specified in Part I of the First Schedule to this Act 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 and Orders specified in the said schedule is referred to as the Act or Order of the year in which it was passed or confirmed;

(xxvi) "The Minister" means the Minister of Health;

(xxvii) "Provisional Order" includes a Special Order and an order having effect as an Act of Parliament.

PART II.

EXTENSION OF BOROUGH.

*Commencement.*Commence-
ment of
this Part
of Act.

5. 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:

Provided that for the purposes of any election to be held in the year nineteen hundred and twenty-eight for any area affected by this Act (other than an election for the existing borough or parish of Derby or any ward thereof) and for the purposes of all proceedings preliminary or relating to any such election this Part of this Act shall operate from the date of its passing.

*Alteration of Borough and Parishes.*Extension
of borough.

6.—(1) The boundary of the existing borough the area whereof is coloured green on the borough map shall be altered so as to include in addition to that area—

(a) the added part of Alvaston;

(b) so much of the Belper district as comprises the added parts of Darley Abbey and Markeaton;

(c) so much of the Repton district as comprises the added part of Mickleover; and A.D. 1927.

(d) so much of the Shardlow district as comprises the added parts of Chaddesden Littleover Normanton Sinfon Moor and Spondon.

(2) The boundary of the borough shall be that shown by the inner edge of the blue 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 Derby for the purposes of the Act of 1888 and for all other purposes.

7.—(1) The added parts of Alvaston Darley Abbey Markeaton Mickleover Chaddesden Littleover Normanton Sinfon Moor and Spondon shall be separated from the existing parishes bearing those names and shall be added to and form part of the parish of Derby in the Derby Union. Alterations
of parishes
and unions

(2) The western excluded part of Normanton shall be added to and form part of the parish of Littleover and the eastern excluded part of Normanton shall be added to and form part of the parish of Sinfon Moor.

8.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent as soon as may be to the clerk of the county council to the clerk of each of the district councils to the Derby Guardians to the guardians of the poor of the Belper Burton-on-Trent and Shardlow Unions respectively to the Commissioners of Customs and Excise to the Board of Inland Revenue to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Health to the Minister of Transport to the Electricity Commissioners and to the Minister of Agriculture and Fisheries. Borough
map.

(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 *prima facie* evidence of the contents of the map so far as it relates to the boundaries of the borough and of the parish of Derby and the map shall at all reasonable times be open to inspection by any person liable to any

A.D. 1927. — 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. All fees so received shall be carried to the credit of the general rate fund.

Provisions consequent on extension of Borough.

Alteration
of wards.

9.—(1) This section shall come into operation on the date of the passing of this Act but any scheme or Order in Council made in pursuance of the provisions hereinafter mentioned as applied by this section shall not take effect until the appointed day except for the purposes of an election of councillors after that day.

(2) On the date of the passing of this Act the provisions of section 30 of the Municipal Corporations Act 1882 as amended by the Municipal Corporations Act 1893 shall have effect as if—

- (a) A petition had been presented by the council of the borough praying for an alteration of the boundaries of the wards thereof; and
- (b) The provisions of this Act altering the boundaries of the borough had come into operation.

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

10. 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.

County
electoral
divisions.

11.—(1) The added areas shall be separated from the county electoral divisions of which they respectively form part.

(2) The eastern excluded part of Normanton shall cease to form part of the Etwall electoral division and shall be added to and form part of the Melbourne electoral division.

(3) The persons who immediately before the appointed day are the county councillors representing the divisions hereinbefore mentioned shall be deemed to have been elected to represent those divisions as altered by this Act and shall retire on the date on which they would have retired if this Act had not been passed.

12. 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.

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Mayor and aldermen.

13.—(1) The powers and duties of the quarter sessions recorder clerk of the peace and coroner of the existing borough and of the Derby Borough Court of Record and the judge registrar and other officers thereof and 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 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.

14. 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.

Borough auditors.

15. 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

Corporation property.

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Mortgage
debts of
Corporation.

16.—(1) So much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate of the existing borough shall be charged upon the corresponding fund or rate of the borough.

(2) All borrowed moneys to which this section applies 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.

Local Acts.

17.—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts and of any other local Act or Provisional Order affecting the existing borough or the Corporation as the same respectively are in force within the existing borough on 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 the Alvaston Council or any of the rural councils (or the predecessors of any such council) contained in any local Act confirmation Act or Provisional 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 such council (or their predecessors) as the case may be.

Adoptive
Acts.

18.—(1) The provisions of—

(a) The Baths and Washhouses Acts 1846 to 1925;

(b) The Infectious Disease (Prevention) Act 1890;

(c) Parts II III and V of the Public Health Acts
Amendment Act 1890;

(d) The Museums and Gymnasiums Act 1891;

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(e) The Public Libraries Acts 1892 to 1919; and
(f) The sections of the Public Health Act 1925 which immediately before the appointed day are in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted for the borough.

(2) The provisions of any adoptive Act other than the enactments 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 appointed day in the added areas shall save as hereinbefore provided cease to be in force in those areas.

19. Subject to any order which the Minister or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 :—

Powers
under
Public
Health Acts
Amend-
ment Act
1907.

(1) The provisions of any order made before the appointed day whereby any parts or sections of the Act 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 as extended by this Act and as if the said parts or sections were accordingly declared to be in force in the borough :

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

(3) 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 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

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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.

Powers
under
section 33
of Act of
1894.

20.—(1) 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 powers relating to any of the matters mentioned in section 33 of the Act of 1894 and in that order (other than an order relating to the appointment of overseers or the appointment or the revocation of the appointment of assistant overseers) 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 parishes comprised therein extended and applied to the borough the council of the borough and the parish of Derby as extended by this Act.

(2) An order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Act.

Orders
under Shop
Hours Act
1904 or
Shops Acts
1912 to
1920.

21. Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders
under Wild
Birds Pro-
tection Acts.

22. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added areas and any order under those Acts which is then in force in the county shall cease to extend to the added areas.

Byelaws.

23.—(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—

(a) if made before the first day of January nineteen hundred and fifteen continue to apply to the existing borough or to the added areas as the case may be for two years after the appointed

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day (unless previously repealed or altered by the Corporation) but shall on the expiry of two years cease to be in force within the borough;

(b) if made on or after the first day of January nineteen hundred and fifteen continue to apply to the existing borough or to the added areas as the case may be until repealed or altered by the Corporation.

(2) Any such byelaws in force in the existing borough may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be extended with or without modification to the added areas.

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

(4) 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.

(5) Any proceedings which if this Act had not been 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.

(6) 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.

24. All poor law orders in force immediately before the appointed day in and applicable to the Derby Union shall extend and apply to that union as extended by this Act.

As to existing poor law orders.

25.—(1) On the appointed day such number (if any) of the members of the police force of the county as before that day shall have been determined by agreement subject to the approval of the Secretary of State between

County police.

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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 county police force 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 the transferred member was entitled to reckon before the transfer for purposes of pay promotion or pension in the police force of the county shall be reckoned for the same purpose in the police force of the borough :

Provided that where the scale of ordinary pensions applicable to a member of the police force of the county 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 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 that member may not have completed one year's approved service in the police force of the county.

County
police
stations.

26.—(1) Any county police station situate in any part of the added areas with any residence for constables or cell connected therewith and the fittings and furniture thereof shall by virtue of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and section 68 (Adjustment of property and liabilities) of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section.

(2) In the event of the amount of the consideration for the transfer of the property which by virtue of this

section is transferred to and vested in the Corporation not being ascertained before the appointed day the date of the final ascertainment of the consideration shall for the purpose of section 12 of the Finance Act 1895 be treated as the date of vesting.

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27.—(1) In any case where the extension of the existing borough by this Act affects the distribution between the county and the borough 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 those areas 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.

Adjustment
of financial
relations
between
county and
county
borough.

(2) Any adjustment authorised by subsection (1) of this section may be made by agreement between the Corporation and the county council and if such adjustment has not been made before the thirty-first day of December nineteen hundred and twenty-eight or such later date as may be allowed by the Minister then on the application of either of the councils interested the Minister may if he thinks 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 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 by him 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 by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

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Provided that—

- (a) in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of that Act 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 of the Act of 1888 shall apply to any agreement or award made under this section.

Adjustment
for purposes
of licensing.

28.—(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 of the Act of 1888 and the provisions of that Act shall apply accordingly.

Insurance
committees.

29.—(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 thirty-first day of October 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 passing of this Act 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.

30.—(1) For the purposes and subject to the provisions of the Education Act 1921—

Transfer
of public
elementary
schools &c.
within
added areas
and of
loans.

(a) Any public elementary school provided by the county council as local education authority and situate within the added areas and the furniture fittings books and apparatus belonging to the county council of any public elementary school within the added areas shall by virtue of this Act be transferred to and vest in the Corporation as the local education authority for all the estate and interest therein of the county council as the local education authority :

(b) All contracts debts and liabilities which immediately before the appointed day are existing or are owing by or attach to the county council in respect exclusively of any public elementary school within the added areas or of the furniture fittings books or apparatus or with respect to the officers and teachers of any such school within 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 :

(c) Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section :

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(d) 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 immediately before 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 then be owing 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.

(2) 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 purposes of elementary education.

Education
byelaws and
managers.

31.—(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) Any manager of any public elementary school within the added areas who was appointed by the county council or by the Alvaston Council or by any parish council or parish meeting shall vacate office on the appointed day.

Powers of
county
district
and parish
councils &c.

32. The county council the district councils and the parish councils and parish meetings of the existing parishes which include parts of the added areas shall cease to exercise any powers or discharge any duties within any part of the added areas.

Property
&c. of
district
councils.

33.—(1) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to any of the district councils 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. A.D. 1927.

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

34.—(1) The Minister may if he thinks fit on the application of a local authority or of any railway company owning property in the added areas and after considering any representations that may be made to him by the Corporation order that for the period or periods stated in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in any of the added areas shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within the area of the existing borough by such sum or sums as may seem equitable to him. Differential rating.

(2) Any application under subsection (1) of this section shall be made in writing before the expiration of two months from the passing of this Act.

(3) For the purposes of this section “a local authority” means any of the district councils and the parish council or where there is no parish council the parish meeting of any parish part of which is included in the added areas.

Guardians and District Councillors.

35.—(1) Subject to the provisions of the Act of 1894 the parish of Derby shall for the purpose of the election of guardians be divided into wards which shall respectively be co-terminous with and bear the same names as the municipal wards of the borough formed in pursuance of the section of this Act whereof the marginal note is “Alteration of wards.” Election of guardians for parish of Derby.

(2) Three guardians shall be elected for each of the said wards.

(3) The Secretary of State may by order apportion the guardians for the existing parish of Derby in office at the appointed day among the wards of that parish as extended by this Act and may include in such order such incidental consequential and supplemental

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provisions as appear to him to be necessary or proper for bringing this section into operation and giving full effect to it including provisions for regulating the order of retirement of the guardians for the parish. An order under this section may be made at any time after the passing of this Act.

(4) Subject to the provisions of any order made by the Secretary of State under this section the persons who immediately before the appointed day are guardians for the existing parish of Derby shall continue in office until the respective dates upon which they would have retired if this Act had not been passed.

(5) For the purpose of an election of guardians after the appointed day this section shall come into operation on the passing of this Act.

Existing
guardians
and district
councillors.

36.—(1) The persons who immediately before the appointed day are district councillors and guardians for the several existing districts and parishes which include the added areas (other than the parish of Normanton) shall be deemed to have been elected as and shall be the district councillors and guardians for those districts and parishes as altered by this Act and shall continue in office until the dates on which they would have retired if this Act had not been passed.

(2) The persons who immediately before the appointed day are the rural district councillors and guardians for the existing parish of Normanton shall vacate office and the number of councillors of the Shardlow District and of guardians of the Shardlow Union shall accordingly be reduced by two.

Officers.

Town clerk
and other
officers
continued.

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

Compensa-
tion to
existing
officers.

38.—(1) Every officer in office on the date of the passing of this Act who by virtue 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 salary wages or emoluments (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

A.D. 1927:

(2) 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 of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

(3) Any compensation payable under this Act to any officer shall be paid out of the general rate fund and the 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 and in subsection (7) of that section for the words “ the same or any other county council ” there shall be substituted the words “ any local authority as defined “ in the Local Government and other Officers’ “ Superannuation Act 1922 ” and in that subsection the expression “ office ” shall be deemed to include employment ;

(b) References in that section to “ the passing of this Act ” shall be construed as references to the date on which the abolition of office or determination of appointment takes effect or the direct pecuniary loss commences as the case may be ;

(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 ; and

(d) The references in subsections (4) and (6) of that section to the Treasury shall be deemed to be references to the Minister.

(4) The compensation payable under this Act to an officer who on the date of the passing of this Act shall hold two or more offices under any local authority

A.D. 1927. or local authorities and who shall have 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 this time to each of such offices.

For the purposes of this subsection the following offices shall be deemed to be offices under a local authority (namely) clerk to an assessment committee constituted under the Act of 1925 superintendent registrar registrar of births and deaths and registrar of marriages.

(5) 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 he has attained the age of eighteen years) in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(6) 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.

(7) 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 with the forces no period of absence during such extension shall be so reckoned.

(8) 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. A.D. 1927.

(9) 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.

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

Supplementary Provisions.

40.—(1) As soon as practicable after the appointed day the county council and the district councils 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. Apportionment of balances and sums received under precepts.

(2) Any sum received after the appointed day by the county council or any of the district councils under a precept issued or rate made before that day in respect of any area comprising one of the added

A.D. 1927. — 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 pro-
visions as to
adjustment.

41. Section 62 of the Act of 1888 shall apply to any adjustment which may become necessary in consequence of this Act and for the purposes of such application that section shall have effect—

(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 money 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.

Parochial
adjust-
ments.

42. For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the abolition or the alteration of the area of any existing parish that section shall have effect—

(a) As if the general rate leviable under the Act of 1925 for the purposes of the said section:

as applied by this Act were substituted for any fund mentioned in the section; and A.D. 1927.

(b) As if for subsections (6) and (7) of the said section there were substituted the following subsections (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 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 subsection (5) of section 2 of the Rating and Valuation Act 1925.

“(7) Any capital sum paid for the purposes 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 may authorise or direct.”

43.—(1) Any balances standing at the appointed day in the books of the Derby Guardians to the credit or debit of the existing parish of Derby shall be carried to the credit or debit of the parish of Derby. Balances in accounts of guardians.

(2) Any balances standing at the appointed day in the books of the rural councils or of the guardians of the poor of the Belper Union the Burton-on-Trent Union the Derby Union and the Shardlow Union to the credit or debit of the existing parishes parts of which are by this Act added to the parish of Derby shall be matters for adjustment under section 62 of the Act of 1888.

44.—(1) The registration officer of the parliamentary county of Derby shall on publication of the electors' list for each registration unit comprising any part of the added areas supply the registration officer of the parliamentary borough of Derby 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

A.D. 1927. — in the First Schedule to the Representation of the People Act 1918 in order 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 parish of Derby 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 Derby 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 in nineteen hundred and twenty-eight and of later registers.

Provisions
as to
register of
electors.

45.—(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) In the preparation of the register of local government electors in the year nineteen hundred and twenty-seven so far as it relates to any area affected by this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit on and after the appointed day instead of in separate parts for each area constituting a registration unit before the appointed day.

(3) If the register of local government electors for any local government 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 parish 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 of Derby in the case of an election or parish meeting for any voting area outside the borough; A.D. 1927.

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

(4) 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.

46. Subject to the provisions of this Act—

Parish
councils.

(1) The parish council of the existing parish of Normanton shall cease to exist:

(2) Any powers and duties transferred by or under the Act of 1894 to the parish councils of the existing parishes of Darley Abbey Mickleover Chaddeston Littleover Normanton and Spondon (except powers or duties as the authority under any of the adoptive Acts as defined in the Act of 1894) shall (as regards the added areas) be vested in and imposed on the persons and authorities in or on whom they would be vested or imposed if the added areas 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 so far as regards the added areas 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:

(3) Any property or liabilities of the parish councils held or incurred so far as regards the added areas 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:

(4) The powers duties property and liabilities of the parish councils under any of the

A.D. 1927.
—

adoptive Acts as defined in the Act of 1894 or of any authority under any such adoptive Act so far as regards the added areas shall by virtue of this Act be transferred to and vest in the Corporation :

- (5) Any property or liabilities held or incurred by the parish councils in relation to the added areas or any part thereof conjointly with any other area or in relation to either excluded part of Normanton conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888 :
- (6) The parish councils of the existing parishes of Darley Abbey Mickleover Chaddesden Littleover and Spondon shall be deemed to have been elected as and shall be the parish councils of those parishes as altered by this Act.

47. Subject to the provisions of this Act—

- (1) Any powers and duties transferred by or under the Act of 1894 to the parish meetings of the existing parishes of Markeaton and Sinfin Moor (except powers and duties under any of the adoptive Acts as defined in that Act) shall so far as regards the added parts of those parishes be vested in and imposed on the persons and authorities in or on whom they would be vested or imposed if those added parts had been included in the existing borough on the appointed day within the meaning of the Act of 1894 :
- (2) Any property or liabilities held or incurred by the chairman of the parish meeting of any of the existing parishes aforesaid or by any other person in relation exclusively to the added parts of those parishes for the purposes or by virtue of the powers and duties above mentioned shall by virtue of this Act be transferred to and vest in the persons and authorities aforesaid :
- (3) Any property or liabilities held or incurred by any authority under any of the adoptive Acts as defined in the Act of 1894 in relation

Parish
meetings of
Markeaton
and Sinfin
Moor.

exclusively to the added parts of the existing parishes aforesaid for the purposes of any such adoptive Act or otherwise than for the purposes or by virtue of the powers and duties above mentioned shall by virtue of this Act be transferred to and vest in the Corporation :

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- (4) Any property or liabilities held or incurred on behalf of the parish meeting of any of the existing parishes aforesaid in relation to the added parts thereof conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

48.—(1) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a settlement in any existing parish affected by this Act or a status of irremovability from the poor law union in which such parish is comprised by reason of residence birth or other qualification in any area specified in column 1 of the Second Schedule to this Act shall be deemed to have acquired or to be in the course of acquiring thereby a settlement in the parish denoted by the corresponding number in column 2 of the said schedule or a status of irremovability from the poor law union in which such parish is comprised as if in each case the area specified in column 1 had always been the parish denoted by the corresponding number in column 2 of the schedule or a part of that parish.

Settle-
ment and
removal of
poor.

(2) 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.

49.—(1) As from the appointed day any scheme made under the Act of 1925 for the constitution of an assessment area which includes any part of the added areas shall be varied by excluding such part from such assessment area and the person who immediately before that day is the representative of any part of the added areas on the assessment committee shall cease to represent the same.

Application
of Act
of 1925.

A.D. 1927.

(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 Act of 1925 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 and of the assessment area of which it now forms part.

(3) For the purposes of the first new valuation list to be prepared under the Act of 1925 and of any subsequent valuation list to be prepared under that Act the amount of the deduction to be made from net annual value in the ascertainment of the rateable value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be thirty per centum.

(4) Until the new valuation list comes into force the valuation lists of the existing borough and the portions of the valuation lists of the existing parishes of Alvaston and Boulton Darley Abbey Markeaton Mickleover Chaddesden Littleover Normanton Sinfen Moor and Spondon which relate to hereditaments in the added areas shall together form the valuation list of the borough.

County
rate basis.

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

- (a) From the amounts respectively appearing therein as the net annual values of the agricultural land and of other hereditaments in the existing parishes of Alvaston and Boulton Darley Abbey Markeaton Mickleover Chaddesden Littleover Normanton Sinfen Moor and Spondon there shall be deducted such sums as will represent the net annual values of the agricultural land and of other hereditaments in the added parts of those parishes ;
- (b) The sums representing the net annual values of the agricultural land and of other hereditaments in the western excluded part of Normanton and the eastern excluded part of Normanton respectively shall be aggregated with the amounts

A.D. 1927.

representing the net annual values of the agricultural land and of other hereditaments in the excluded part of Littlecover and the excluded part of Sinfen Moor respectively and the resultant totals shall be the net annual values of the agricultural land and of other hereditaments in those parishes respectively.

(2) For the purposes of this section the net annual value of the agricultural land in part of an existing parish shall be the amount which bears the same relation to the net annual value of agricultural land in the existing parish 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 parish.

(3) For the purpose of ascertaining the net annual value of other hereditaments (not being agricultural land) in part of a parish the preceding subsection of this section shall apply with the substitution for "agricultural land" of "hereditaments other than agricultural land."

(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 parish 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 on the date of the passing of this Act.

51. For the purpose of summoning jurors and of jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book relating to the parish as altered comes into force. Jury service.

52.—(1) All rate books books of account minutes of proceedings deeds papers and writings belonging to the existing parish of Normanton other than those which relate exclusively to the excluded part of that parish and all documents directed by law to be kept with the public books writings and papers of that parish except any book or document relating to ecclesiastical matters shall Parish books and documents.

A.D. 1927. — be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of the said existing parish 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.

Arrears of rates in added areas.

53. Subject to any adjustment all rates not collected at the appointed day and levied by any rating authority upon any hereditament situate in any part of the added areas shall be collected and recovered by the Corporation.

Audit of accounts of Normanton Parish Council.

54.—(1) The accounts of the parish council for the parish of Normanton (including the accounts of that council acting as an authority for executing the Burial Acts 1852 to 1906) 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.

(2) Any sum certified by the district auditor to be due from any person at the audit of the accounts to which this section applies shall be paid to the treasurer of the borough and shall if necessary be a matter for adjustment.

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

References to Education Act 1921.

55. 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.

Burial Acts.

56.—(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.

(2) All property and liabilities which immediately before the appointed day are vested in or attach to the Normanton Parish Council in the execution of the Burial Acts 1852 to 1906 shall by virtue of this Act be transferred to vest in and attach to the Corporation as the burial

board for the borough subject to adjustment under A.D. 1927.
section 62 of the Act of 1888.

(3) Nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day or prejudicially affect any right privilege or authority which immediately prior thereto is exerciseable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

(4) Nothing in this Act shall extend the right of burial in the burial ground at Normanton transferred to the Corporation by this section to the residents of any area the residents of which are not now entitled to such right and notwithstanding such transfer the residents of the area the residents of which are entitled to the right of burial in the said burial ground shall continue to be entitled to such right.

(5) The fees charged by the Corporation in respect of the burial ground at Normanton transferred to the Corporation by this section shall not be increased above those which were chargeable in respect thereof on the first day of January nineteen hundred and twenty-seven until after the thirtieth day of September nineteen hundred and thirty-five.

(6) In consideration of the rights reserved by this section the Littleover Parish Council and the Sinfin Moor Parish Meeting shall in respect of the western excluded part of Normanton and the eastern excluded part of Normanton added to those parishes respectively by this Act contribute towards the cost of maintaining managing and improving the said burial ground such annual sum as may be agreed between that council and meeting respectively and the Corporation or as may be determined by the Minister or by an arbitrator appointed by him.

Any expenses incurred under this section by the last mentioned parish council and parish meeting shall for the purposes of the Act of 1894 be deemed to be expenses under an adoptive Act and shall be defrayed out of rates levied in the areas added to the said parishes as additional items of the poor rate or general rate as the case may be.

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For protec-
tion of
Alvaston
and
Boulton
Urban
District
Council.

57. Unless otherwise agreed between the Alvaston Council (in this section called "the council") and the Corporation the following provisions shall apply and have effect (that is to say):—

(1) (a) The council shall sell and the Corporation shall purchase the premises coloured red and red hatched red on the plan signed by John Gretton on behalf of the council and by George Trevelyan Lee on behalf of the Corporation at such price as may be determined by agreement between the council and the Corporation or in default of agreement by arbitration and in such determination the amounts to be attributed to the premises coloured red and to the premises coloured red hatched red respectively shall be separately ascertained;

(b) In addition to the price to be determined as aforesaid the Corporation shall pay to the council the sum of five hundred pounds for the purpose of enabling the council to provide other premises for offices and for the other purposes for which the said premises coloured red and red hatched red are used by the council;

(c) The sale and purchase of the portion of the said premises coloured red hatched red on the said plan shall be completed within three months after the passing of this Act and the sale and purchase of the said premises coloured red shall be completed at the expiration of three years after the passing of this Act or at such earlier date as the council shall by three months' previous notice in writing require;

(d) The Corporation shall pay to the council so much of the said price as is attributed to the land coloured red hatched red on the said plan upon the conveyance of the said land to the Corporation and shall pay the balance of the said price and the said sum of five hundred pounds to the council upon the conveyance to them of the said premises coloured red:

(2) The council shall convey to the Corporation as from the appointed day— A.D. 1927.

(a) the houses in Baker Street in the added part of Alvaston erected by the council under any Act relating to housing together with all lands premises appurtenances and rights belonging thereto; and

(b) the lands in the added part of Alvaston belonging to the council and used as allotments;

and the Corporation shall as from the appointed day pay all interest upon and sums which may become due and payable half-yearly for the repayment of the balance then outstanding of any loan raised by the council to defray the cost of the erection of such houses and the acquisition of such lands used as allotments:

(3) The Corporation shall as from the appointed day pay all interest upon and sums which may become due and payable half-yearly for the repayment of the balance then outstanding of any loan raised by the council for the purposes of the payment of any subsidy which may have been granted by them under the Housing &c. Act 1923 or the Housing (Financial Provisions) Act 1924 to any person in respect of any house in the added part of Alvaston:

(4) The persons who are tenants of the allotments of the council in the added part of Alvaston at the time when such allotments are transferred to the Corporation shall continue to have the same rights in respect of their respective allotments as they would have had if the said allotments had continued to be the property of the council and for at least five years after the appointed day the Corporation shall not refuse to continue the tenancy of any such person on the ground that he does not reside in the borough.

58. 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 rural councils are invested in pursuance of any

Urban powers &c. in excluded parts of parishes.

A.D. 1927. order issued by the Local Government Board or the Minister under the Public Health Acts in respect of the existing parishes parts of which are by this Act added to the borough shall be deemed to vest in and attach to the respective rural councils in respect of those parishes as altered by this Act.

Land
Charges
Act 1925.

59.—(1) The local registrars for the county for the Alvaston district and for the rural districts of Belper Repton and Shardlow 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 the added areas and shall be paid by the Corporation in respect thereof 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 rural district affected and in the register for the county;

(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 district affected 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 districts which include the added areas and the local registrar for the county 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;

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- (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 district council is in pursuance of this Act transferred from the county council or the district council to the Corporation 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.

60.—(1) 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 Alvaston Council or any of the rural councils 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 :

Savings for
actions
contracts
&c.

Provided that—

- (a) 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 Derby Guardians (as the case may be); and
- (b) 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

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may be continued and enforced as fully and effectually as if instead of such council or board (or their predecessors) the Corporation or the Derby Guardians (as the case may be) had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

Saving for qualification of aldermen councillors &c.

61. 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 areas made by this Act.

Saving for contribution orders and precepts.

62. Notwithstanding the alterations in the areas of parishes 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 provisions.

63.—(1) Nothing contained in this Act shall—

- (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 Derby or of the parliamentary county of Derby 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 Representation of the People Act 1918 or any order or scheme made by the county council for the division of the said parliamentary county of Derby into polling districts and the appointment of polling places for parliamentary elections;
- (c) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment;
- (d) affect land tax.

(2) For the purposes of imperial taxes or duties other than land tax the provisions of the section in this Part of this Act whereof the marginal note is "Alterations of parishes and unions" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose 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.

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PART III.

LANDS.

64. Subject to the provisions of this Act the Corporation may for the purposes of their water undertaking enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

Acquisition
of lands.

65.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

Acquisition
of ease-
ments.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction

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Period for compulsory purchase of lands.

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

Extinction of private rights of way.

67.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands be extinguished.

(2) Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently acquired interest.

68. For the purpose of determining any question of disputed compensation payable in respect of land taken under the powers of this Act the tribunal to whom that question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the nineteenth day of November nineteen hundred and twenty-six if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Further powers for acquisition of land.

69.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof. Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be

appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

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(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or
- (b) in such other manner as may be approved by the Minister.

70. The purposes of—

- (a) The markets undertaking of the Corporation; and
- (b) Providing municipal offices and a town hall

Purchase of lands for markets and town hall.

shall be deemed to be purposes for which the Corporation may purchase lands under the Public Health Act 1875 and the provisions of that Act with respect to the purchase of lands by a local authority for the purposes thereof shall apply accordingly.

PART IV.

WATER.

71. From and after the passing of this Act the limits within which the Corporation are authorised to supply water shall be extended so as to include the parish of Quarndon in the rural district of Belper and the Corporation shall have within that parish all such powers and

Extension of water limits.

A.D. 1927. — authorities with respect to the supply of water and in any way incident or relating thereto as they have in the area within which they are now authorised to supply water.

Power to
make water-
works.

72.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the county of Derby (namely):—

Work No. 1 A water tower on the western side of the road known as Park Nook in the parish of Quarndon;

Work No. 2 A conduit comprising one or more lines of pipes in the parishes of Quarndon and Allestree commencing at Work No. 1 and terminating in Allestree Lane;

Work No. 3 A pumping station in the parish of Allestree in the field numbered 92 on the $\frac{1}{2500}$ Ordnance map (1914 edition) with machinery and pumps connected with and for raising water only from the conduits of the Corporation;

Work No. 4 A reservoir in the parish of Spondon in the field numbered 194 on the $\frac{1}{2500}$ Ordnance map (1914 edition);

Work No. 5 A conduit comprising one or more lines of pipes in the parish of Spondon commencing at work numbered 4 and terminating in the Dale Road;

Work No. 6 A reservoir in the parish of Littleover in the field numbered 27 on the $\frac{1}{2500}$ Ordnance map (1914 edition);

Work No. 7 A conduit comprising one or more lines of pipes in the parish of Littleover commencing at work No. 6 and terminating at the Littleover reservoir of the Corporation;

Work No. 8 A conduit comprising one or more lines of pipes in the parishes of Littleover and Mickleover commencing at Work No. 6 and terminating in the Uttoxeter Road.

(2) In addition to the waterworks hereinbefore described the Corporation may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain all such buildings tanks machinery roads tramroads works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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73.—(1) 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 where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards.

Power to deviate.

(2) Provided that except for the purposes of crossing over a stream or railway no part of the conduits authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

74. For the protection of Ethel Alexandra Johnson and the trustees or trustee for the time being of the will of the late Colonel Herbert Alfred Johnson her and their respective heirs successors in estate and assigns for the time being entitled in possession whether for life or any greater estate to the Allestree Estate in the county of Derby (all of whom are in this section included in the expression "the owner") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation and the owner have effect (that is to say):—

For protection of Ethel Alexandra Johnson.

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not purchase the lands respectively numbered on the deposited plans 4 5 6 7 and 8 in the parish of Allestree or any part

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thereof and the Corporation when constructing the conduit Work No. 2 authorised by this Act between Burley Lane and Allestree Lane shall construct the same wholly in the road shown on the said plans :

- (2) The said conduit shall be constructed so as not to interfere with any well spring or water pipe of the owner.

Period for completion of water-works and enlargement of works.

75.—(1) If the works authorised by this Part of this Act and shown on the deposited plans and sections are not completed by the thirty-first day of December nineteen hundred and thirty-four then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

(2) The Corporation may extend enlarge alter reconstruct renew or remove any of the works and plant constructed under this Part of this Act and in the case of the conduits authorised by this Act lay down additional lines of pipes as and when occasion may require.

As to powers under section 12 of Water-works Clauses Act 1847.

76. The Corporation may on all or any of the lands for the time being held by them in connection with their water undertaking execute for the purposes thereof or in connection therewith any of the works (other than wells and works for the taking and intercepting of water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Further powers in relation to water mains.

77. The Corporation shall have and may exercise within their limits for the supply of water the powers which a local authority have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the said limits shall be deemed to be the district of the Corporation :

Provided that the Corporation shall not exercise such powers under over or across any lands or property

belonging to a railway company and used for the purposes of their undertaking without the consent of such company which consent shall not be unreasonably withheld and any question which may arise under this section between the Corporation and any railway company shall be referred to arbitration under the Arbitration Act 1889 the arbitrator unless otherwise agreed being appointed by the President of the Institution of Civil Engineers.

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78. The waterworks to be constructed by the Corporation under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation.

Works to form part of water undertaking.

79. The Corporation may demand two quarterly payments of water rates and charges in advance on the first day of April and the first day of October in each year but not more than one quarterly payment shall be recoverable until the expiration of two months from the said dates respectively.

Half-yearly collection of water rates.

PART V.

TRAMWAYS AND OMNIBUSES.

80. In this Part of this Act the expression "local authority" means the council of any borough urban district or rural district.

Definition of local authority.

81. 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 turnouts crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds buildings works and conveniences connected therewith :

Power to make tramway.

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.

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

Tramway No. 1 A tramway (2 furlongs 4·6 chains in length of which 3 chains will be double and 2 furlongs 1·6 chains will be single line) commencing in Upper Dale Road by a junction with the existing tramway near to Clarence Road and passing along Dale Road and Lower Dale Road and terminating in the last-named road by a junction with the existing tramway near to Cummings Street.

Period for completion of tramway.

82. The tramway authorised by this Act shall be completed within five years from the thirty-first day of December nineteen hundred and twenty-seven 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.

Works to form part of tramway undertaking of Corporation.

83. 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 of the Acts relating to that undertaking (as amended by this Act) and of the enactments incorporated therewith 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 Acts :

Provided that—

- (a) Nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws and regulations ;
- (b) The following sections shall not extend and apply to the said tramway and works (namely) :—

Section 7 of the Derby Tramways Order 1879 ;

Section 18 of the Act of 1899 ;

Sections 69 70 and 72 of the Act of 1901 and so much of section 94 of that Act as

applies to that Act and the tramways and works authorised thereby the provisions of the said section 18 of the said Act of 1899; A.D. 1927.

- (c) No post or other apparatus shall be erected on any carriageway in connection with the tramway authorised by this Act except with the consent of the Minister of Transport;
- (d) The powers of sections 82 (Power to make double lines &c. and make additional passing places) and 83 (Additional crossings) of the Act of 1901 except the powers of those sections relating to crossings shall not be exercised with reference to the tramway authorised by this Act without the consent of the Minister of Transport.

84. Subsection (2) of section 9 (For protection of the Postmaster-General) of the Act of 1913 shall be read and have effect as if the words "generated or used by or supplied to the Corporation" were inserted in that subsection in substitution for the words "generated by the Corporation." For protection of Postmaster-General.

85. The powers conferred upon the Corporation by section 14 of the Act of 1913 (which empowered the Corporation to provide omnibuses and to run them within the borough) shall be exerciseable by the Corporation along any route outside the borough within the area included within the red line shown on the map of the omnibus area signed in triplicate by the Right Honourable the Lord Darling the Chairman of the Committee of the House of Lords to whom the bill for this Act was referred of which map one copy has been deposited with the Clerk of the Parliaments House of Lords one copy has been deposited at the Private Bill Office of the House of Commons and one copy has been deposited with the town clerk at his office in the borough. Further powers as to omnibuses.

86.—(1) (a) Before the Corporation commence to run omnibuses under the powers of this Act over any road or part of a road it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such Adaptation of roads.

A.D. 1927. road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

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

(c) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Corporation shall 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 or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(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 or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(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 or of any such bridge so strengthened.

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

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

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

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

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

87. Nothing in this Part of this Act shall impose any obligation upon any railway company to strengthen adapt alter or reconstruct any road or bridge maintainable by them or enlarge any existing obligation in regard thereto.

Saving for
railway
companies.

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Revision
of omnibus
fares and
charges.

88.—(1) An application for the revision of the maximum fares or charges for the conveyance of passengers in the omnibuses of the Corporation may be made to the Minister of Transport by the Corporation or by the local authority of any district in which such omnibuses are run and upon such application such fares and charges may be revised accordingly.

(2) Before any revision of such fares and charges the Minister of Transport may direct an inquiry to be held.

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

Omnibuses
to form
part of
tramway
undertak-
ing.

89. The omnibus undertaking of the Corporation shall be deemed to form part of their tramway undertaking :

Provided that in the accounts of the Corporation relative to their tramway undertaking the income and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connection with the remainder of such undertaking and capital shall be distinguished from revenue.

Accounts
to be
furnished to
Minister of
Transport.

90. 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.

PART VI.

FINANCIAL PROVISIONS.

Power to
borrow.

91.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes

mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except when otherwise stated) from the date or dates of borrowing.
(a) The purchase of lands for the purposes of Part IV (Water) of this Act.	The sum requisite.	Sixty years.
(b) The construction of the water-works authorised by this Act.	£ 32,700	Forty years.
(c) The provision of mains and other purposes of the water undertaking of the Corporation.	150,000	Forty years.
(d) The construction of the tramway authorised by this Act.	5,700	Twenty years.
(e) The provision of electrical equipment and the construction of other works necessary for working the tramway authorised by this Act.	2,500	Twenty years.
(f) The provision of omnibuses -	40,000	Eight years.
(g) The purchase of lands and the erection of buildings for the purposes of the omnibuses of the Corporation.	10,000	Thirty years.
(h) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Minister of Transport borrow such further money as they may from time to time require for any of the purposes of Part V (Tramways and omnibuses) of this Act and may with the consent of the Minister of Health borrow such further money as they may from time to time require for any of the other purposes of this Act Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent it is borrowed.

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(3) The yearly sums required to be provided in respect of the principal moneys borrowed under the provisions of this Act shall be provided by the Corporation in the manner following (that is to say):—

- (a) As to money borrowed for the purposes (a) (b) and (c) mentioned in subsection (1) of this section and any money borrowed for the purposes of Part IV of this Act out of the revenue of the Corporation's water undertaking;
- (b) As to money borrowed for the purposes (d) (e) (f) and (g) mentioned in subsection (1) of this section and any money borrowed for the purposes of Part V of this Act out of the revenue of the Corporation's tramway undertaking;
- (c) As to money borrowed for the purpose (h) mentioned in subsection (1) of this section out of the general rate fund and the general rate;
- (d) As to money borrowed with the consent of the Minister of Transport or of the Minister of Health out of such fund or revenue as the Minister sanctioning the loan may prescribe.

PART VII.

MISCELLANEOUS PROVISIONS.

As to
Derby
Court of
Record.

92.—(1) It shall be lawful for His Majesty by Order in Council to make such provisions for defining the jurisdiction of the Derby Borough Court of Record (in this section referred to as "the court") and for regulating the practice and procedure of the court as to His Majesty in Council may seem fit and in particular—

- (a) for conferring upon the court or the judge thereof all or any such jurisdiction or powers as are by the County Courts Acts 1888 to 1924 conferred upon the county court or any judge thereof; and
- (b) for prescribing the conditions under which and the manner in which the process of the court

may be served outside the borough and in particular for enabling the process of the court to be served or executed through a county court; and

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- (c) for prescribing what powers of the court may be exercised by the judge of the court and the registrar respectively and as respects the powers exercisable by the registrar the cases in which and the manner in which an appeal shall lie from the decision of the registrar to the judge; and
- (d) for adapting and applying to the court all or any of the rules of the Supreme Court and of the county court rules subject to such modifications either generally or in respect of any particular class of action or in respect of actions of a particular amount or in respect of defendants of any particular category as may be prescribed in the order; and
- (e) for empowering the judge of the court from time to time to make subject to the approval of the rule committee of the Supreme Court rules regulating the practice and procedure of the court and subject to the like approval to repeal or modify any rules so made including any provisions as to the practice or procedure of the court comprised in the said order;

and for that purpose may as respects the court repeal or exclude the operation of any statute relating to the procedure of inferior courts and may repeal amend or modify any charter statute order in council or rule regulating or touching the practice or procedure or jurisdiction of the court.

(2) Provided that nothing in any such order shall—

- (i) take away the power of the court to entertain any class of action which the court may at the passing of this Act by law have power to entertain;
- (ii) derogate from the power of the High Court to remove any action commenced in the court into the High Court; or

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(iii) confer upon the court or the judge thereof any of the powers conferred upon the county court or the judge thereof by section 67 of the County Courts Act 1888.

Inquiries
by Minister
of Health.

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

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

Inquiries by
Minister of
Transport.

94. 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."

Incorporation of
sections
from
existing
Acts.

95. The following sections of the Act of 1899 the Act of 1901 and the Act of 1913 shall 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 (that is to say):—

Act of 1899—

- Section 35 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 36 (Protection of lender from inquiry);
- Section 37 (Appointment of receiver);
- Section 38 (Application of money borrowed);

- Section 56 (Expenses of the execution of this Act); A.D. 1927.
- Section 57 (Application of revenue);
- Section 64 (Audit of accounts).
- Act of 1901—
- Section 124 (Temporary stoppage of streets);
- Section 134 (Correction of errors omissions &c.);
- Section 136 (Power to retain sell &c. lands);
- Section 203 (Compensation how to be determined);
- Section 207 (Damages and charges to be settled by justices);
- Section 208 (Judges not disqualified).
- Act of 1913—
- Section 29 (Persons under disability may grant easements &c.);
- Section 111 (Recovery of demands);
- Section 114 (Application of section 265 of Public Health Act 1875);
- Section 117 (Powers of Act cumulative):

Provided that in the exercise of the powers of section 136 of the Act of 1901 as applied to the lands by this Act authorised to be acquired the Corporation shall not unless the Minister otherwise direct sell lease exchange or otherwise dispose of any of the said lands 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.

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

A.D. 1927.

The SCHEDULES referred to in the
foregoing Act.**FIRST SCHEDULE.****PART I.****LOCAL ACTS.**

Session and Chapter.	Short Title.
6 Geo. IV. c. cxxxii. -	- An Act for better paving and otherwise improving the borough of Derby.
11 & 12 Vict. c. xxxvi.	- The Derby Waterworks Act 1848.
31 & 32 Vict. c. cxliii.	- The Derby Waterworks Act 1868.
36 Vict. c. xx. -	- The Derby Waterworks Act 1873.
40 & 41 Vict. c. cxviii.	- The Derby Corporation Act 1877.
42 & 43 Vict. c. ccxv.	- The Derby Improvement Act 1879.
45 & 46 Vict. c. ccxlv.	- The Derby Corporation Act 1882.
53 & 54 Vict. c. liv. -	- The Derby Corporation Act 1890.
62 & 63 Vict. c. cxci.	- The Derby Corporation Tramways &c. Act 1899.
62 & 63 Vict. c. cclxix.	- The Derwent Valley Water Act 1899.
1 Edw. 7. c. cclxvii. -	- The Derby Corporation Act 1901.
3 & 4 Geo. 5. c. xcii.	- The Derby Corporation Act 1913.

PART II.**CONFIRMATION ACTS AND ORDERS.**

Session and Chapter.	Short Title.	Order.
13 & 14 Vict. c. xxxii.	Public Health Supplemental Act 1850.	The Derby Order 1850.
22 & 23 Vict. c. xi.	Local Government Supplemental Act 1859 (No. 2).	The Derby Order 1859.
42 & 43 Vict. c. clviii.	Local Government Board's Provisional Order Confirmation (Artizans and Labourers Dwellings) Act 1879.	The Derby Order 1879.

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Session and Chapter.	Short Title.	Order.
42 & 43 Vict. c. cxcii.	Tramways Orders Confirmation Act 1879.	The Derby Tramways Order 1879.
53 & 54 Vict. c. cxc.	Electric Lighting Orders Confirmation (No. 5) Act 1890.	The Derby Corporation Electric Lighting Order 1890.
58 & 59 Vict. c. lxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1895.	The Derby Order 1895.
59 & 60 Vict. c. cviii.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1896.	The Derby Order 1896.
5 Edw. 7. c. lxxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905.	The Derby Order 1905.
9 Edw. 7. c. cxviii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1909.	The Derby Order 1909.
10 Edw. 7 & 1 Geo. 5. c. lxxv.	Electric Lighting Orders Confirmation (No. 1) Act 1910.	The Derby Corporation Electric Lighting (Extension) Order 1910.
3 & 4 Geo. 5. c. cl.	Electric Lighting Orders Confirmation (No. 2) Act 1913.	The Derby Corporation Electric Lighting (Extension) Order 1913.
4 & 5 Geo. 5. c. cxxxii.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1914.	The Derwent Valley Water Order 1914.
10 & 11 Geo. 5. c. cxiv.	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1920.	The Derby Order 1920.
11 & 12 Geo. 5. c. lxx.	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1921.	The Derby Order 1921.
12 & 13 Geo. 5. c. xl.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1922.	The Derby Order 1922.

A.D. 1927.

SECOND SCHEDULE.

Column 1. Area.	Column 2. Parish in which a settlement is to be acquired.
1. The existing parish of Derby and the added areas.	1. The parish of Derby.
2. The excluded part of Alvaston and Boulton.	2. The parish of Alvaston and Boulton.
3. The excluded part of Darley Abbey.	3. The parish of Darley Abbey.
4. The excluded part of Markeaton.	4. The parish of Markeaton.
5. The excluded part of Mickleover.	5. The parish of Mickleover.
6. The excluded part of Chaddesden.	6. The parish of Chaddesden.
7. The excluded part of Littleover and the western excluded part of Normanton.	7. The parish of Littleover.
8. The excluded part of Sinfin Moor and the eastern excluded part of Normanton.	8. The parish of Sinfin Moor.
9. The excluded part of Spondon	9. The parish of Spondon.

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