

**CHAPTER cii.**

An Act to authorise the mayor aldermen and citizens of the city of Exeter to construct a new street and other street works and to acquire lands for various purposes to confer further powers upon the said mayor aldermen and citizens with regard to their water electricity and markets undertakings and the health local government and improvement of the city and for other purposes. A.D. 1935.

[2nd August 1935.]

WHEREAS the city and county of the city of Exeter (in this Act called "the city") is a county borough under the government of the mayor aldermen and citizens thereof (in this Act called "the Corporation"):

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

And whereas it is expedient to empower the Corporation to purchase the lands referred to in this Act for the purposes of the said new street and other street works and for the several further purposes which are referred to in this Act:

And whereas it is expedient to confer powers upon the Corporation with reference to the retention disposal and development of lands acquired by them in connection with the construction of the new street and other street works authorised by this Act and not

A.D. 1935. — required for such street and works and also of other lands :

And whereas the Corporation are the owners of waterworks and supply water within the city and in certain places in the neighbourhood thereof and it is expedient to extend the limits within which the Corporation may supply water and to make further provision in regard to the water undertaking of the Corporation and the supply of water by them :

And whereas the Corporation are also the owners of an electricity undertaking by means of which they supply electricity in the city and in certain parishes in the rural district of Saint Thomas and it is expedient to make further provision in regard to the electricity undertaking of the Corporation and the supply of electricity by them :

And whereas it is expedient to make further provision in regard to the markets undertaking of the Corporation :

And whereas it is expedient to make further and better provision in regard to the health local government and improvement of the city and to enlarge the powers of the Corporation with regard thereto as provided in this Act :

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

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

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

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

	£
The purchase of lands for the purposes of this Act - - - - -	191,050
The construction of the street works authorised by this Act - - -	13,350

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered

to borrow money for those purposes as provided by this Act: A.D. 1935.

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 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 town clerk of the city which plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference:

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Exeter Short title. Corporation Act 1935.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street works.

Part IV.—Water.

Part V.—Electricity.

Part VI.—Streets buildings sewers and drains.

Part VII.—Infectious disease and sanitary.

Part VIII.—Common lodging-houses.

Part IX.—Sale of coke &c.

Part X.—Police.

Part XI.—Finance.

Part XII.—Miscellaneous.

Division of
Act into
Parts.

A.D. 1935.
—
Incorporation of Acts.

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

- (a) sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act;
- (b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

Interpretation.

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

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

“The city” means the city and county of the city of Exeter;

“The Corporation” means the mayor aldermen and citizens of the city;

“The council” means the council of the city;

“The town clerk” “the surveyor” “the medical officer” and “the sanitary inspector” mean respectively the town clerk the surveyor the medical officer of health and any sanitary inspector of the city;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the city;

“The Act of 1878” “the Act of 1900” “the Act of 1922” and “the Act of 1928” mean respectively the Exeter Corporation Water Act 1878 the Exeter Corporation Act 1900 the Exeter Corporation Act 1922 and the Exeter Corporation Act 1928;

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

Corporation Act, 1935.

- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; A.D. 1935.
—
- “ The Act of 1933 ” means the Local Government Act 1933;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ The water undertaking ” means the water undertaking of the Corporation;
- “ The water limits ” means the limits within which the Corporation are for the time being authorised to supply water;
- “ The existing water limits ” means the limits within which the Corporation are immediately before the passing of this Act authorised to supply water;
- “ The added water limits ” means the area described in the section of this Act of which the marginal note is “ Extension of water limits ”;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation;
- “ The electricity limits ” means the limits within which the Corporation are for the time being authorised to supply electricity;
- “ Daily penalty ” means a penalty for each day on which an offence is continued after conviction;
- “ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the city and includes any other infectious disease which the Minister may by order under section 60 of the Public Health Act 1925 declare to be a dangerous infectious disease;
- “ Ice-cream ” means ice-cream and any other similar commodity;
- “ Preserved meat ” includes sausages and any potted pressed pickled or preserved meat fish or other food;

A.D. 1935.
—

- “ Food ” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;
- “ The road transport undertaking ” means the undertaking which includes the tramways omnibus and public service vehicles undertakings of the Corporation;
- “ The registrar ” means the registrar of stock of the Corporation;
- “ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but shall not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- “ Statutory security ” has the meaning assigned to it by section 2 (Interpretation) of the Act of 1922;
- “ Revenues of the Corporation ” includes the general rate fund and all rates exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation;
- “ Authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- “ The Minister ” means the Minister of Health;
- “ The gas company ” means the Exeter Gaslight and Coke Company.

PART II.

A.D. 1935.

LANDS.

5. Subject to the provisions of this Act the Corporation may— Power to
take lands.

(1) enter on take appropriate and use such of the lands which are included within the limits of deviation shown on the deposited plans and are described in the deposited book of reference as they may require for and in connection with the construction of the street works authorised by the section of this Act of which the marginal note is "Power to execute street works" and for the provision of space for the erection of buildings adjoining or near to such street works;

(2) for the purposes hereinafter mentioned enter on take appropriate and use the lands in the city which are hereinafter referred to (namely):—

(a) For the purpose of enlarging and extending the parking place of the Corporation adjoining Paul Street the lands which are numbered 155 to 159 (inclusive) on the deposited plans and in the deposited book of reference; and

(b) For the purpose of enlarging and extending the omnibus and public service vehicle depot of the Corporation the lands which are numbered 160 to 163 (inclusive) on the deposited plans and in the deposited book of reference:

Provided that notwithstanding anything contained in this Act or shown upon the deposited plans or contained in the deposited book of reference the Corporation shall not otherwise than by agreement acquire the lands which are numbered 66 on the deposited plans and in the deposited book of reference.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the thirty-first day of October nineteen hundred and thirty-five. Period for
compulsory
purchase of
lands.

A.D. 1935.
—
Removal of
human
remains.

7.—(1) If and when the Corporation shall acquire the site of Saint Paul's Church in or adjoining Paul Street they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in the said church.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice in each of three successive days in two local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said church may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of Exeter to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Exeter who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave

or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the said bishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be re-interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the said bishop.

A.D. 1935.
—

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as the said bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

8. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the street works authorised by this Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to
reinstate
owners of
property.

9. Subject to the provisions of this Act the Corporation may in connection with the powers granted to them by this Act or by the Public Health Acts so

Agreements
with owners
of property
&c.

A.D. 1935. — far as such last-mentioned powers relate to lands which are referred to in this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any of the lands referred to in this section with respect to the sale or purchase by the Corporation of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the purposes for which they are authorised to be acquired) or any rights or easements in on or affecting the same for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes for which lands may be acquired under this Act.

Powers with reference to leases of surplus lands.

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

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

(3) Provided that any such lease granted by the Corporation shall be subject to similar conditions and limitations as are prescribed in section 14 (Retention and disposal of lands) of the Act of 1928 with respect to leases granted thereunder.

11. The period limited by the operation of section 123 of the Lands Clauses Consolidation Act 1845 as extended by section 3 of the National Economy (Road Services) Order 1931 for the compulsory purchase of the lands referred to in the schedule to the Exeter Order 1929 (which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 13) Act 1930) is hereby extended until the sixth day of February nineteen hundred and thirty-nine but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

A.D. 1935.

—
Extension
of time for
compulsory
purchase of
lands.

PART III.

STREET WORKS.

12.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works hereinafter referred to together with all necessary or proper works and conveniences connected therewith or incidental thereto.

Power to
execute
street
works.

(2) The street works hereinbefore referred to and authorised by this Part of this Act will be wholly situate in the city and are—

Street Work No. 1 A widening and improvement of Whipton Lane at or near to its junction with Fore Street on the easterly and south-easterly sides thereof;

Street Work No. 2 A widening and improvement of Paul Street on the south-easterly side thereof;

Street Work No. 3 A new street extending from Waterbeer Street to Paul Street;

Street Work No. 4 A widening and improvement of North Street on the north-easterly side thereof and Waterbeer Street on the north-westerly side thereof;

Street Work No. 6 A widening and improvement of Goldsmith Street on the south-westerly side thereof extending from Waterbeer Street to Paul Street.

A.D. 1935.
—
Limits of
deviation.

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

Stopping up
of highways.

14.—(1) In connection with the street works authorised by this Part of this Act and the other purposes thereof the Corporation may stop up the highways shown on the deposited plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the highways stopped up as far as the same are bounded on both sides by lands of the Corporation :

Provided that the Corporation shall not under the powers of this subsection stop up any highway unless—

- (a) it is bounded on both sides or (in the case of that part of any highway which is bounded on one side by Saint Pancras Church) on one side by lands of the Corporation ; or
- (b) the Corporation obtain the consent of the owners of the lands abutting on such highway :

Provided also that if the Corporation under the provisions of this section stop up that part of Pancras Lane which lies between Waterbeer Street and Saint Pancras Church they shall provide reasonable means of access to that church either from Waterbeer Street or from Goldsmith Street or from the new street (Street Work No. 3) authorised by this Part of this Act.

(2) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

PART IV.

WATER.

Extension
of water
limits.

15.—(1) The limits within which the Corporation may supply water and exercise powers in regard to the supply of water which are conferred upon them by the

Act of 1878 and any subsequent enactment (including this Act) shall extend to and include— A.D. 1935.

- (a) the parishes of Brampford Speke Clyst Honiton Clyst St. Mary Exminster Huxham Ide Poltimore Shillingford-Saint-George Sowton Stoke Canon and Upton Pyne all in the rural district of Saint Thomas;
- (b) so much of the parish of Broad Clyst in the said rural district as is bounded by the parishes of Clyst Honiton Pinhoe and Poltimore and an imaginary line drawn along the right bank of the river Clyst to the point where that river crosses under Burrow Bridge and thence in a southerly direction along the north-easterly boundary of the road which crosses that bridge and passes through Burrow across Loxbrook Bridge and Craningford Crossing to the junction of the boundary of the said parish of Broad Clyst with the boundary of the parish of Clyst Honiton;
- (c) so much of the parish of Topsham in the said rural district as is bounded by the parish of Exminster the existing water limits and the boundary of the Exeter and district town planning scheme as shown on map No. 2A of that scheme.

(2) The added water limits are coloured red upon a map which has been signed in triplicate by the Right Honourable Lord Marks the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office of the House of Lords another in the Committee and Private Bill Office of the House of Commons and the third with the town clerk at his office. If there be any discrepancy between the description of the added water limits which is contained in this section and the said map the said map shall prevail.

(3) The Corporation shall have and may exercise within the added water limits all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they have and are subject to within the existing water limits:

A.D. 1935.
—

Provided that the Corporation shall be entitled to charge for water supplied to consumers in the added water limits such rents and charges as the Corporation from time to time think fit but not exceeding by more than fifty per centum the rents and charges which they are for the time being entitled to charge in respect of the supply of water to similar premises or for corresponding purposes (as the case may be) in the existing water limits.

(4) So much of the parish of Topsham as is comprised within the added water limits is hereby excluded from the limits of the Topsham Woodbury and Lympstone Waterworks Act 1868 and the provisions of that Act shall cease to apply thereto as from the date of this Act.

Power to local authorities &c. to supply water in case Corporation fails to supply.

16. If after the expiration of five years from the passing of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any parish or part of a parish which is comprised within the added water limits the local authority of the district comprising that parish or part of a parish may provide a supply in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of the added water limits not sufficiently supplied by the Corporation and for the repeal of the powers of the Corporation in that behalf.

If any difference shall arise between the Corporation and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

Supply of water by Corporation to areas outside water limits.

17.—(1) The Minister if he is satisfied that the owners or occupiers of premises in any area outside the water limits desire to obtain a supply of water from the Corporation may on the application of the Corporation subject to the provisions of this section by order authorise the Corporation to supply water in any such area or any part thereof or to any premises therein on such conditions as may be specified in the order.

A.D. 1935.

(2) An order under this section may contain such provisions as in the opinion of the Minister are necessary in order to give full effect to the order and upon the granting of any such order the provisions of the enactments relating to the water undertaking shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply of water in pursuance of such order and otherwise as if the water limits extended as far as and so as to include the area or premises to which such order relates.

(3) An order shall not (unless in the opinion of the Minister consent is unreasonably withheld) be made except with the consent of the local authority within whose district and of any undertakers for the supply of water within whose limits of supply the area to which a supply is to be given is situate.

(4) (a) An order made under this section shall cease to have effect with respect to any area or any part thereof or any premises therein when the local authority within whose district or the undertakers for the supply of water within whose limits of supply such area or part thereof or such premises is or are situate are able and willing to supply water to such area or part thereof or premises as the case may be and give not less than one month's notice thereof to the Corporation.

(b) When such local authority or undertakers commence to supply water to any such area or part thereof or any premises therein in pursuance of this subsection they shall pay to the Corporation such portion of the expenditure incurred by the Corporation within such area or part thereof in the district of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to such area or part thereof or premises therein as may be agreed or failing agreement as may be determined by arbitration in accordance with the Arbitration Acts 1889 to 1934.

18.—(1) Where the water limits are bounded by or abut on any street wholly or for part of its width outside those limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting on such street and being within the water limits exercise with respect to the whole width of the street the like powers of breaking up the street for the

As to streets forming boundary of water limits.

A.D. 1935.

purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the water limits and subject to the like conditions.

(2) The Corporation by means of a pipe laid in any such street as is first referred to in subsection (1) of this section may with the consent of any local authority company body or person supplying water under parliamentary authority to the area which includes the houses outside the water limits abutting upon such street supply such houses with water.

(3) The owner or occupier of a house within the water limits which abuts upon a street in which the Corporation have laid a pipe in pursuance of this section and the owner or occupier of a house without the water limits which the Corporation are by this section authorised to supply with water may exercise the rights and shall be subject to the obligations in reference to the laying of pipes to communicate with the pipe of the Corporation which they could have exercised and would have been subject to if the street and the last-mentioned house had been within the water limits.

Amend-
ment of
section 52
of Act of
1928.

19. Section 52 (Further powers in relation to water mains) of the Act of 1928 shall be read and have effect as if the words "within the water limits" were omitted therefrom.

Meters in
streets to
measure
water or
detect
waste.

20. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided also that nothing in this section shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

A.D. 1935.

21.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any of the waterworks of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

Discharge of
water into
streams.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934.

(3) The rate at which the Corporation may cause water to be discharged directly or indirectly into any available stream ditch or watercourse shall not (except in emergency) exceed such a rate as may be agreed between the Corporation and the highway authority for any road drained by the stream ditch or watercourse or adjacent to which road the stream ditch or watercourse is situate or as failing agreement may be determined by arbitration to be reasonable having regard to all the circumstances of the case.

(4) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of any railway company.

22.—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

(a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required;

Supply to
houses
partly used
for trade &c.

A.D. 1935.
—

- (b) any hospital (whether public or private) or sanatorium;
- (c) any club hotel assembly hall restaurant public-house inn or common lodging-house;
- (d) any boarding house or public institution capable of accommodating at least twelve persons including the persons usually resident therein; or
- (e) any school not maintained by the local education authority.

(2) The minimum half-yearly charge (exclusive of meter rent) for a supply of water by measure to any of the premises in this section mentioned shall be one-half of the annual amount which would be payable according to the scale for the time being in force for a supply of water for domestic purposes to a dwelling-house of the same rateable value.

Further provision as to use of water by hose-pipes.

23. Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Charges for supplies for refrigerating apparatus &c.

24. Where a person who takes a supply of water otherwise than by meter from the Corporation desires to use water for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water or for or in connection with any apparatus used for softening water which requires water for cleaning cooling regenerating or for motive power or similar purposes the Corporation shall be entitled to require that all water so used shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

25. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Corporation may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter. A.D. 1935.

—
Supplies to swimming baths and bathing pools.

26.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure. Special terms for supplies to caravans &c.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

27. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purposes of determining the amount of the water rent chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a net annual value (within the meaning of section 32 (Water rents) of the Act of 1878 as amended by section 77 of the Local As to gross value of two or more houses in one occupation.

A.D. 1935. Government Act 1929) equal to the aggregate net annual values of the separate houses or buildings or parts of houses or buildings so occupied.

Water rent &c. may be collected with general rate.

28.—(1) Any water rent or charge payable to the Corporation may be collected together with the general rate.

(2) The Corporation may demand water rents and charges by half-yearly instalments in advance on the first day of April and the first day of October in each year.

(3) If the Corporation exercise the powers of subsection (2) of this section—

(a) every person liable to the payment of such rent or charge who shall cease to occupy the premises in respect of which the rent or charge is paid during any part of the period for which the rent or charge is payable shall not be liable for any part of such rent or charge after the day on which he ceases to occupy the said premises and if any such person shall have paid any rent or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Corporation. The water rent or charge or any part thereof respectively payable by any such person in respect of any such premises and unpaid when he ceases to occupy the same shall become payable and be recoverable immediately upon his ceasing to occupy such premises;

(b) every person who shall commence to occupy any premises in respect of which a rent or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rent or charge is payable shall pay so much of such rent or charge as is proportionate to the period for which he occupies the premises.

Byelaws for preventing waste &c. of water.

29.—(1) The Corporation may make byelaws—

(a) for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature material workmanship and strength and the mode of arrangement connection dis-

connection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and

(b) as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Such byelaws shall apply only in the case of premises to which the Corporation afford or are prepared on demand to afford a constant supply of water.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway of a railway company.

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rents in respect of the premises are recoverable.

(5) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(6) (a) Any regulations of the Corporation in force at the date of the passing of this Act dealing with the subject matter of byelaws under this section shall continue in force until the first day of January nineteen hundred and thirty-eight or the date of the coming into force of

A.D. 1935. — any byelaws made under this section whichever shall first occur and shall be and are hereby annulled as from the earlier of the two last-mentioned dates.

(b) Section 40 (For preventing waste &c. of water) of the Act of 1878 shall upon the confirmation of any byelaws made under this section be repealed.

Cisterns to be provided for high level supplies.

30. The Corporation may require that any dwelling-house the erection of which is commenced after the passing of this Act and which is situate on land at a higher level than fifty feet below any part of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Corporation shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Cleansing of cisterns.

31. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the water limits for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Stopcocks &c. to be fitted in communication pipes.

32.—(1) The Corporation may in cases where the communication pipes are laid by the person requiring a supply of water to any premises or by the Corporation at the request of such person require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stopcock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position to be reasonably approved by the road authority in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fails to comply with such requirement the Corporation may insert and maintain a stopcock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stopcock and for the purpose of maintaining any existing stopcock in a communication or service pipe from any premises within the water limits the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

A.D. 1935.
—

(3) The Corporation may by agreement with any person liable to insert or to maintain any stopcock and for that purpose authorised to open or break up any street within the water limits execute such works on behalf of such person and any expenses incurred by the Corporation in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

33. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any person duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds. Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Extension of
power to
inspect
premises.

34.—(1) The Corporation shall not be bound to supply with water more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water.

Separate
communica-
tion pipes
may be
required.

(2) If the owner of any house or part of a house occupied as a separate tenement which is supplied with

A.D. 1935. — water by the Corporation when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Corporation may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

As to communication pipes.

35.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain or repair any pipe or apparatus used for the supply of water from the waterworks of the Corporation the person liable to maintain or repair the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Corporation by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the water limits may subject to the like conditions execute such works on behalf of such owner or occupier and subject to the terms of the agreement any reasonable expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

Power to Corporation to repair communication pipes.

36. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rents in respect of the premises are recoverable

Provided that (except in emergency) the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the water rents in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

A.D. 1935.
—

37. Notwithstanding anything in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Corporation
to connect
communica-
tion pipes
with mains.

38.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Corporation.

As to
register of
meters.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(3) If any meter or other instrument for measuring water used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen at the beginning of the then current quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be

A.D. 1935.

paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as water rents are recoverable by the Corporation.

Notice to Corporation of connecting or disconnecting meters.

39. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice of discontinuance.

40. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the municipal offices in the city.

Power to remove meters and fittings.

41. The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer or some other officer of the Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

For protection of railway companies.

42. For the protection of the Great Western Railway Company and the Southern Railway Company (each of whom is hereinafter referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect with reference to the

exercise of the powers of this Part of this Act by the Corporation within the added limits (that is to say) :—

A.D. 1935.
—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Corporation which may be situate upon across over under or in any way affecting the railway or works of the company the same shall be done by and in all things at the expense of the Corporation except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and at such time or times as he shall reasonably approve and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed. Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-one days after they shall have been submitted to him he shall be deemed to have approved thereof :
- (2) The Corporation shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the company and the roads which the company are liable to maintain over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Corporation :
- (3) If the company so elect they may themselves execute and maintain so much of the said works of the Corporation as may be carried under the railway of the company or across the same on the level (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Corporation (including compensation (if any) lawfully required to be paid to any workmen or their legal representatives

A.D. 1935.
—

or dependants who may be injured or killed whilst employed by the company in the execution and maintenance of such works):

- (4) All such works (where they pass over under or across or in any way affect the railway or works of the company) shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain such works or if any bursting leakage or failure of the works of the Corporation over under or near to any railway or works of the company constructed under powers in existence at the passing of this Act not being due to the acts or defaults of the company their servants or agents shall cause any injury to such railway or works all such injury shall forthwith be made good by the Corporation at their own expense and to the reasonable satisfaction of the said engineer and the Corporation shall be responsible for and save harmless and indemnify the company from all claims in respect of any such injury or interruption and shall make compensation to the company for and in respect thereof together with compensation (if any) lawfully required to be paid to any workmen of the company or their legal representatives or dependants who may be injured or killed owing to any of the operations of the Corporation and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail :
- (5) In the event of the Corporation failing to make good such injury as aforesaid or failing to maintain all such works (where they pass under or over or in any way affect the railway or works of the company) in substantial repair and good order to the reasonable satisfaction of the said engineer or in case of emergency the

company may make good the same and make and do in and upon as well the lands of the Corporation as their own lands all such repairs and things as may be reasonably requisite and may recover the reasonable expense thereof (including compensation payable as aforesaid) from the Corporation :

- (6) If it should be reasonably necessary during the construction of any works of the Corporation authorised by this Part of this Act or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the company the company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (7) The Corporation shall bear and on demand pay to the company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works of the Corporation under or across or in any way affecting the railway of the company of such signalmen or watchmen (if any) to be appointed by the company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employ of the Corporation or their contractors :
- (8) If the company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Corporation may have been constructed or laid the company

A.D. 1935.
—

may after giving to the Corporation twenty-one days' notice in writing under the hand of their secretary or general manager (or in case of emergency after giving such notice as is reasonably practicable) divert support or carry the said works of the Corporation across over or under their railway at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water and shall not be liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that any works executed by the company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Corporation and to the reasonable satisfaction of the Corporation :

- (9) Any additional expense which the company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the works of the Corporation laid or executed upon across over or under the same shall be paid by the Corporation :
- (10) The Corporation shall not without the previous consent of the company exercise the powers conferred on them by the sections of this Act of which the marginal notes are "Meters in streets to measure water or detect waste" "As to communication pipes" and "Power to Corporation to repair communication pipes" in respect to any street sewer pipe or apparatus which is the property of the company but such consent shall not be unreasonably withheld :
- (11) Nothing in this section contained shall prejudice alter or affect the rights of the company or the Corporation under any agreement between them relating to the mains pipes or other works

of the Corporation and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply : A.D. 1935.

- (12) Any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

PART V.

ELECTRICITY.

43.—(1) The Corporation may be authorised to purchase land within the electricity limits compulsorily for the purpose of the erection thereon in pursuance of the powers of the Acts and Orders relating to the electricity undertaking of a station for transforming converting or distributing electricity by means of an order made by the Corporation and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of sections 161 162 and 174 and paragraphs (a) (b) and (c) of section 179 of the Act of 1933 and of the Sixth Schedule to that Act and the provisions of those sections and that schedule with any necessary modifications shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister. Acquisition of land for substations.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which at that date forms part of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

A.D. 1935.

(3) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of the said section 161 as applied by this section be deemed to have been made by a person upon whom notice is required to be served.

Power to use lands for transformer stations notwithstanding restrictive covenants &c.

44. The Corporation may hold and use for the purposes of electricity transformer stations any lands in the electricity limits acquired or taken on lease or to be acquired or taken on lease by them and any buildings or structures from time to time erected thereon notwithstanding—

- (a) any covenant condition restriction or stipulation inconsistent with such holding or use contained in any deed lease or agreement to which the Corporation are not a party where such deed lease or agreement was granted or entered into in or before the year nineteen hundred and twenty; or
- (b) any covenant by the Corporation or any other party contained in any subsequent deed lease or agreement to comply with any such covenant condition restriction or stipulation as aforesaid :

Provided that in the use for the purposes aforesaid of any lands affected by any such covenant condition restriction or stipulation the Corporation their servants or agents shall not cause permit or suffer any nuisance to the owner or owners or occupier or occupiers of any adjoining land or premises.

As to charges for electric fittings &c.

45. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other payment due to the Corporation by the same consumer for the sale hire purchase hire connection repair or maintenance of lamps meters electric lines fittings apparatus and appliances for lighting heating or motive power may be included in the same summons and may be recovered summarily

as a civil debt provided that the amount due in respect thereof does not exceed twenty pounds. A.D. 1935.

46. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may (subject to the provisions of the agreement under which the transformer was provided) use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided so however that the powers conferred by this section shall not enable the Corporation to extend the transformer so provided beyond the limits of the original site thereof.

As to use
of trans-
formers.

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

Charges for
special
readings of
electricity
meters.

48.—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus as they apply to persons who wilfully fraudulently or by culpable negligence injure or suffer to be injured meters belonging to the Corporation.

Protection
of seals &c.
belonging to
Corpora-
tion.

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

A.D. 1935.

PART VI.

STREETS BUILDINGS SEWERS AND DRAINS.

Rounding
off corners
at street
junctions.

49. The powers conferred upon the Corporation by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions contained in that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than forty feet as may be determined by the Corporation.

Crossings
for horses
or vehicles
over
footways.

50.—(1) Where the owner or occupier of any premises fronting adjoining or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) in passing to and from such premises the Corporation may either—

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed in such position of such materials and in such manner as they may prescribe; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall for each such offence be liable to a penalty not exceeding five pounds.

A.D. 1935.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

51.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected or ropes to be placed across any of the streets of the city and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or rope or any part thereof respectively shall be liable to a penalty not exceeding forty shillings.

As to
barriers in
streets.

(2) For the purpose of the erection of such barricades or the placing of such ropes the Corporation may construct or place and maintain in and under the surface of the streets of the city such sockets or slots as may in their opinion be necessary or convenient.

A.D. 1935.

—
Projecting
signs.

52.—(1) No person shall without the consent of the Corporation erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) The consent of the Corporation under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

(3) Any person who offends against the provisions of this section or the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (a) Any person aggrieved by the withholding by the Corporation of any consent under the provisions of this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction.

(b) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order in the matter of the appeal as the court may think fit and to award costs.

Banners and
signs over
streets.

53.—(1) If any banner streamer sign or lettering shall after the passing of this Act be suspended across the carriageway of any street in the city without the permission of the Corporation the owner or person responsible for such suspension shall be liable to a penalty of not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the banner streamer sign or lettering. The permission of the Corporation under this section shall not be withheld except on the ground that the banner streamer sign or lettering would be a nuisance or objectionable by reason of its size construction or situation or an injury to the

amenities of the street across or over which it is suspended and such permission may be given subject to such terms and conditions as the Corporation may think fit. A.D. 1935.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may themselves remove any such banner streamer sign or lettering and any expense incurred by them in so doing may be recovered by them summarily as a civil debt from such person.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the twenty-seventh day of November nineteen hundred and thirty-four.

(4) The withholding of any permission by the Corporation under this section shall be deemed to be the withholding of a consent within the meaning of the section of this Act of which the marginal note is "As to appeals."

54.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the city any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation. As to
pavement
lights.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

A.D. 1935.
—

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

As to
private
street
works.

55. Whenever the Corporation put in force the provisions of section 150 of the Public Health Act 1875 they may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (that is to say) :—

- (a) The greater or less degree of benefit to be derived by any premises from such works;
- (b) The amount and value of any work already done by the owners or occupiers of any premises.

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street but access to which is obtained from the street through a court passage or otherwise and which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly.

No build-
ings to be
erected
until street
formed.

56.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall as soon as any building is erected and roofed in abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation with a foundation of suitable materials and of sufficient depth to be capable of carrying the traffic which will make use of the same and shall also if required sewer such street or such part of such street :

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection or roofing in of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

A.D. 1935.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or under the local Acts for the time being in force within the city.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(4) Nothing in this section shall apply to any street or part of a street repairable by a railway company and forming the approach to any station or depot of such company.

57.—(1) The provisions of section 36 of the Public Health Acts Amendment Act 1890 shall extend and apply to shops and departmental stores where more than twenty-five persons are employed and to any club registered under the provisions of section 91 of the Licensing (Consolidation) Act 1910 in the city whether existing before or after the commencement of this Act. Provided that in the application of the provisions of the said section 36 to any club the said section shall be read and have effect as if the words “for the use of the public” were omitted from subsection (1) thereof.

Means of ingress to and egress from large shops and departmental stores.

(2) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application to shops departmental stores or clubs in pursuance of the powers of this section may within fourteen days after the date on which the Corporation give notice of their requirement to such person appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem fit and may award costs. Provided that such person shall give forty-eight hours' written notice of such appeal and of the grounds thereof to the town clerk.

(3) Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

(4) For the purposes of this section section 7 of the Public Health Acts Amendment Act 1890 shall not apply.

A.D. 1935,
—
Extension
of power
to make
building
byelaws.

58.—(1) Section 157 of the Public Health Act 1875 in its application to the city shall be extended so as to empower the Corporation to make byelaws—

- (a) for requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;
- (b) with respect to the structure of walls and partitions dividing separate tenements or rooms belonging to different owners for securing stability and the prevention of fires and for purposes of health;
- (c) with respect to the adequate lighting of buildings;
- (d) for securing that the internal surfaces of the walls and ceilings of rooms used or intended to be used for human habitation shall be properly covered with plaster or other suitable material;
- (e) for securing that every fireplace or chimney opening in a building shall have a hearth;
- (f) for requiring the submission of plans and sections in the case of existing buildings in or in connection with which drains are altered or constructed in whole or in part;
- (g) with respect to the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (h) for ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the passage of gas into the building through such hole otherwise than by means of a gas main or pipe;
- (i) for securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or gas apparatus for heating a building or any part thereof is properly fixed and adequately ventilated;
- (j) for requiring the plans and sections deposited in pursuance of any provision in any local Act for the time being in force to be drawn on such materials and in such manner as may be prescribed in such byelaws;

(k) for preventing the spread of fire and for the provision of means of escape from fire in— A.D. 1935.

(i) every new building; and

(ii) every existing building except a dwelling-house occupied as such by not more than two families;

if it has more than two storeys above the ground storey or if it exceeds thirty feet in height:

Provided that—

(i) any byelaws made under paragraphs (a) (d) (h) or (i) of this subsection or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in the said paragraph (i) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157;

(ii) before making any byelaw under this section in relation to the fixing of geysers or other gas-heated water apparatus or gas apparatus for heating a building the Corporation shall give reasonable notice thereof to the gas company who shall be entitled to make representations to and be heard by the Corporation thereon.

(2) For the purpose of framing any such byelaws in relation to buildings to be constructed wholly or partly with metal framework or of reinforced concrete and with respect to the use and composition of metal for framework and of reinforced concrete in the construction of buildings the Corporation may carry out such investigations and make such tests as they may deem necessary.

(3) The said section 157 shall also in its application to the city be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

59.—(1) Every dwelling-house erected within the city after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall Food storage accommodation.

A.D. 1935. — occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (a) Every existing dwelling-house and every dwelling-house within the city the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give forty-eight hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(d) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this subsection he may apply to the county court of Devonshire holden in the city and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(3) Where any new building contains two or more flats or separate dwellings or any old building is after the date of the passing of this Act converted into two or more flats or separate dwellings each such flat or separate dwelling shall for the purposes of the foregoing provisions of this section be deemed to be a dwelling-house.

60.—(1) Subsections (3) and (4) paragraph (a) of subsection (5) and subsection (10) of section 78 (Further power to make byelaws as to new buildings &c.) of the Act of 1928 are hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

A.D. 1935.

—
Amendment
of section 78
of Act of
1928.

(3) Where any elevations are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the elevations—

(a) approve the elevations; or

(b) if they consider that having regard to the general character of the buildings in the city or of the buildings proposed therein to be erected or of the building upon or to which the addition is to be constructed or reconstructed the building or addition or chimney to which the elevations relate would seriously disfigure the city whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its construction disapprove the elevations and shall forthwith give notice of their decision to the person by whom the elevations were submitted and (if they disapprove) of the reasons for their decision.

(4) Within twenty-eight days after receiving notice of the decision of the Corporation the person by whom the elevations were submitted to the Corporation if aggrieved by that decision may appeal to the advisory committee and if he does so he shall at the same time send a copy of such appeal to the town clerk.

(5) (a) In the event of any appeal in pursuance of the last preceding subsection of this section the Corporation shall within fourteen days of their receiving a copy thereof be entitled to send to the advisory committee a statement of their answers to the appeal and if the

A.D. 1935.
—

Corporation do so they shall at the same time send a copy of such statement to the person by whom the appeal was lodged.

(10) The provisions of paragraph (b) of subsection (2) of this section shall not apply to a hoarding which is used solely for the purpose of bill-posting.

(2) The provisions of the said section 78 shall not apply to a building (not being a dwelling-house show-room or office) belonging to the gas company and used or intended to be used by them exclusively for the manufacture of gas and for purposes in connection therewith.

Prohibition
of tents
vans &c.

61.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the city without the previous approval of the Corporation.

(b) It shall not be lawful for any person without the previous approval of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless the surface of such land is covered with concrete or other suitable material and unless and until such land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water to the satisfaction of the Corporation.

(c) Land furnished in compliance with this subsection with a separate supply of water shall be deemed to be a house for the purposes of the provisions relating to the supply of water for domestic purposes.

(2) Any person aggrieved by the withholding by the Corporation of any approval under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction provided he give notice in writing of such appeal and of the grounds thereof to the town clerk before lodging the appeal and such court may make such order on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

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

A.D. 1935.

(4) This section shall not apply to any tent van shed or similar structure—

- (a) belonging to any person and situate within the curtilage of the dwelling-house of such person and occupied by such person or any member of his family or household;
- (b) belonging to or occupied by any person whilst the same is used by him for holiday or recreational purposes only;
- (c) provided or used by or belonging to any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision use or ownership of tents vans sheds or similar structures is merely subsidiary;
- (d) provided or used by or belonging to any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;
- (e) provided or used by or belonging to a cadet unit of the British National Cadet Association officially recognised by the Army Council:

Provided that—

- (i) the exemptions conferred by paragraph (b) of this subsection in respect of any tent van shed or similar structure shall not apply if the same is used or intended to be used as a sole or principal means of habitation for an unbroken period exceeding six weeks;
- (ii) the exemptions conferred by paragraphs (c) and (e) of this subsection shall apply only for so long as the society body or cadet unit by which such tent van shed or similar structure is provided or used or to which the same belongs shall continue to make reasonable arrangements for the maintenance of good order amongst the persons using the tent van shed or similar structure;

A.D. 1935.
--

- (iii) the exemptions conferred by paragraphs (c) (d) and (e) of this subsection shall apply only for so long as the society body association organisation or cadet unit by which such tent van shed or similar structure is provided or used or to which the same belongs shall continue to make reasonable arrangements for the proper management and sanitary condition of the ground occupied by the tent van shed or similar structure; and
- (iv) any question whether a society or body is a religious or charitable society or body shall be determined by a court of summary jurisdiction.

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

Provisions
as to tents
vans &c.

62.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the city be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

Separate
sewers for
sewage and
surface
water.

63.—(1) Where under the provisions of any public general or local Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively Provided that the cost of providing in pursuance of this section separate surface water sewers in a street already sewered shall be borne by the Corporation.

A.D. 1935.

(2) The Corporation may also from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only.

(3) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers.

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

(5) In the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the provisions of this section have been sufficient effectually to drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

(6) Any contracts or agreements entered into by the Corporation with any person and any undertakings given to or by the Corporation prior to the commencement of this Act which would have been valid under the provisions of this section if made after the commencement thereof are hereby confirmed.

64.—(1) In any case in which the Corporation incur expenses in constructing after the passing of this Act a sewer in or under land within the city and such land becomes a street (whether repairable by the inhabitants at large or not) after such sewer is constructed such expenses shall be recoverable and shall be apportioned and become charged on the premises fronting adjoining or abutting on such street in like manner as under sections 150 and 257 of the Public Health Act 1875 the expenses of works executed in a street not being a highway repairable by the inhabitants at large are made recoverable and are required to be apportioned and are charged on the

Apportionment and recovery of expenses of construction of sewer constructed before land became a street.

A.D. 1935.

premises fronting adjoining or abutting on such street and all the provisions of the Public Health Acts (except section 152 of the Public Health Act 1875 and section 82 of the Public Health Act 1925) shall apply as if—

- (a) the sewer to which the expenses relate were works referred to in the said section 150 and the expenses were expenses of the execution of such works;
- (b) all references to estimates of the probable cost of works were references to actual expenses or a statement of actual expenses;
- (c) the words “not being a highway repairable by the inhabitants at large” were omitted from the said section 150;
- (d) the words “when the works are completed” were omitted from the said section 257.

(2) On an appeal under section 268 of the Public Health Act 1875 by an owner on whom a demand has been served under subsection (1) of this section he may include in his grounds of appeal the following grounds (that is to say):—

- (a) that the works do not or will not increase the value of the premises of the objector;
- (b) that the proportion of the expenses to be charged against the premises of the objector is excessive having regard to the benefit derived or to be derived by such premises from the works.

(3) (a) Where any sum so apportioned and charged in respect of the expenses of construction of any sewer is recoverable from a person against whose compensation in respect of the carrying of the same sewer into through or under his lands an amount for enhancement of value has been set off in pursuance of the section of this Act of which the marginal note is “Benefits to be set off against compensation in respect of sewers” the amount so set off shall be deducted in arriving at the sum to be so apportioned and charged and recoverable.

(b) No expenses apportioned in pursuance of this section against agricultural land shall be recoverable until such land ceases to be agricultural land.

A.D. 1935.

(c) If a part only of such land ceases to be agricultural land then only the portion of the expenses attributable to that part shall become recoverable.

(d) Interest shall not be payable to the Corporation on any moneys in respect of the time during which under paragraphs (b) and (c) of this subsection they are irrecoverable.

(4) In this section the expression "street" includes part of a street and the expression "agricultural land" shall have the same meaning as in the Rating and Valuation (Apportionment) Act 1928.

65. In estimating the amount of compensation to be paid by the Corporation to any person in respect of the carrying of any sewer into through or under any lands within the city the enhancement in value of any lands of such person over or on either side of such sewer and of any other lands of such person through which the sewer is not carried arising out of the construction of the sewer shall be fairly estimated and shall be set off against the said compensation.

Benefits to be set off against compensation in respect of sewers.

66.—(1) The Corporation shall in their discretion have the power of constructing within any manufacturing premises (but outside any building forming part thereof) at the cost of the Corporation and without any liability on their part for compensation in respect thereof an inspection chamber or chambers and such chamber or chambers shall be accessible to the officers of the Corporation at all times for the purpose of ascertaining the nature of the discharge from such premises into the sewers of the Corporation :

Power to construct inspection chambers in manufacturing premises.

Provided that nothing in this section shall apply to any premises belonging to a railway company and used by such railway company as a part of or in connection with their railway undertaking under any Act of Parliament :

Provided further that nothing in this section shall apply to any premises belonging to the gas company and used by them for the manufacture or storage of gas and as part of or in connection with their undertaking.

(2) Any such inspection chamber shall be in such position as may be agreed between the Corporation and the owner of the said premises or failing agreement as may be determined by an engineer to be appointed on the

A.D. 1935.

application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such determination.

(3) Any person who shall obstruct the Corporation or any official of the Corporation in the exercise of the powers of this section shall be liable to a penalty not exceeding ten pounds.

Certain matters from hotels shops garages &c. not to be discharged into sewers.

67. The Corporation may make byelaws for preventing—

(a) grease and fat from any club hotel public-house inn slaughter-house butcher's shop fried fish shop or similar premises; or

(b) any oil or grease from any stable garage motor works or similar premises;

from being discharged or thrown or suffered to be discharged or thrown or to pass into any sewer or into any drain connecting with such sewer.

Powers of Corporation respecting construction of drains.

68.—(1) Whenever it is necessary to open or break up any part of a street for the purpose of laying down or constructing along such part of a street any drain which is intended to be connected either directly or indirectly with any sewer the Corporation may if they think fit themselves lay down or construct so much of such drain as shall be under or in the said street and the cost or estimated cost to be incurred by them in so doing shall be secured to the Corporation to their satisfaction by the person who would lay down or construct so much of such drain as aforesaid if the Corporation did not exercise the powers of this section.

(2) Any person who shall commence the laying down or construction of so much of any such drain as aforesaid after the Corporation shall have given notice of their intention to construct the same in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation shall not under the powers of this section open or break up any part of a street belonging to and repairable by a railway company or so as to obstruct the access to or exit from any station or depot of a railway company except with the consent in writing of the railway

company but such consent shall not be unreasonably withheld and any question as to whether in any case such consent is unreasonably withheld shall be determined by a single arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

A.D. 1935.

69. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream leat or watercourse within the city or into the Exeter Canal or canal basin so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of water or to cause an obstruction shall be liable to a penalty not exceeding five pounds.

Penalty for
throwing
rubbish into
streams &c.

70. Whenever default is made by the owner of any building or lands in the execution of any work by or by virtue of Part VII of the Act of 1928 or this Part of this Act required to be executed by him the occupier of such building or lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to the occupier by the owner and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

Occupier in
default of
owner may
execute
works and
deduct
expense
from his
rent.

PART VII.

INFECTIOUS DISEASE AND SANITARY.

71.—(1) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression “dangerous infectious disorder” includes infectious disease as defined by the section of this Act of which the marginal note is “Interpretation” and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

Extended
meaning of
“infectious
disease”
for certain
purposes.

(2) For the purposes of the Act of 1928 the expression “infectious disease” shall have the meaning assigned to it by the section of this Act of which the marginal note is “Interpretation” and the definition of that expression which is contained in section 4 (Interpretation of terms) of the Act of 1928 is hereby repealed.

A.D. 1935.

Prohibition
on infected
person
carrying on
business.

72. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings.

Registration
of ice-cream
and pre-
served meat
manufac-
turers and
premises.

73.—(1) (a) No person shall carry on the business of a manufacturer or vendor of or dealer in ice-cream or of a manufacturer of preserved meat unless he be registered by the Corporation.

(b) No premises shall be used for the manufacture for sale or sale of ice-cream or for the preparation or manufacture of preserved meat unless such premises are registered by the Corporation.

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

(2) (a) The Corporation may refuse to register any such person or premises or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) revoke the registration of such person or premises as regards the former on the ground that the public health is or is likely to be endangered by any act or default of such person who is registered or who seeks to be registered as a manufacturer or vendor of or dealer in ice-cream or as a manufacturer of preserved meat in relation to the quality storage or distribution of the ice-cream or preserved meat and as regards the latter upon the ground that the premises are not suitable to be used for the purposes aforesaid :

Provided that before refusing or revoking such registration the Corporation shall serve upon the applicant for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises.

A.D. 1935.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall deliver to the person applying for such registration or to the person registered or in whose name the premises are registered a statement in writing of the ground or grounds upon which such refusal or revocation is based. Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such notice.

(c) Any person aggrieved by any such refusal or revocation may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of the refusal to register or of the notice of revocation.

(d) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(e) On any such appeal the court may by order confirm the refusal or revocation or direct the Corporation to register the person or premises or to retain him or them upon the register and the Corporation shall comply with any such direction.

(3) The provisions of this section shall not apply to any premises used as a club or hotel or railway refreshment rooms or as a cinematograph theatre music-hall or other similar place of entertainment.

(4) The provisions of this section shall come into force on the first day of January nineteen hundred and thirty-six.

74.—(1) Any person being a manufacturer or vendor of or dealer in ice-cream or preserved meat who within the city omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or preserved meat to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

For regulating manufacture and sale of ice-cream &c. and preserved meat.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that

A.D. 1935.

behalf may seize and destroy all ice-cream or preserved meat or materials for the manufacture of the same in any of the said premises and the Corporation shall compensate the owner of the ice-cream or preserved meat or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or preserved meat or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or preserved meat and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which ice-cream is offered for sale as an officer of the Corporation would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises cart barrow or other vehicle stand pail container or receptacle or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Hawking of
meat.

75.—(1) Where the Corporation by resolution determine that the provisions of this section shall apply in the city and such resolution has been advertised at least once in each of three successive weeks in a newspaper circulating in the city the following provisions shall have effect therein :—

(a) No person other than a person keeping open shop for the sale of meat or meat food products

- shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product from any cart or other vehicle or from any basket or barrow unless he holds a certificate from the Corporation approving of the accommodation used by him for the storage of the meat or meat food products;
- (b) (i) A certificate of approval of storage accommodation shall not be withheld unless the Corporation are satisfied that the storage accommodation is having regard to the interests of public health unsatisfactory for the purpose of storing meat or meat food products;
- (ii) A certificate of approval shall have effect only as respects the person to whom and the accommodation in respect of which such certificate has been granted;
- (c) (i) Every certificate of approval shall subject as hereinafter provided be for a stated period not exceeding one year and such fee not exceeding two shillings and sixpence may be charged therefor as the Corporation may determine;
- (ii) The Corporation may at any time during the period for which such certificate of approval is granted withdraw the certificate if they are satisfied that in the interests of public health it should be withdrawn provided that they shall first have given the person from whom the certificate is proposed to be withdrawn an opportunity of being heard and on any such withdrawal or upon the use of the premises in respect of which the certificate of approval has been granted being discontinued such certificate shall subject as hereinafter provided cease to have effect and shall forthwith be returned to the Corporation;
- (d) Any person from whom a certificate of approval has been withheld or withdrawn may within seven days from the date on which such

A.D. 1935.
—

withholding or withdrawal has been intimated to him appeal to a court of summary jurisdiction against such withholding or withdrawal and the decision of such court shall be final Where such court decides that such certificate of approval should not have been withheld or shall not be withdrawn the Corporation shall comply with the decision of such court Pending the final determination of any appeal with respect to the withdrawal of a certificate of approval the certificate shall continue to have effect;

- (e) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any storage accommodation in the city in respect of which an application has been received for a certificate of approval or in respect of which such a certificate is in operation and also any premises in the city which he shall have reason to believe are being used as storage accommodation for meat or meat food products intended for sale from a cart or other vehicle or from a basket or barrow;
- (f) Every person in charge of a cart or other vehicle or of a basket barrow or other receptacle from which meat or any meat food product is being sold or offered or exposed for sale shall on demand produce to the medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose or to any officer of police the certificate of approval of the appropriate storage accommodation or a copy thereof certified by or on behalf of the Corporation for which copy the Corporation shall be entitled to charge a fee not exceeding one shilling;
- (g) The Corporation shall keep a register of storage accommodation in respect of which certificates of approval are granted under this section and of the persons to whom such certificates are granted.

(2) In and for the purposes of this section—

A.D. 1935.

“Meat” means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

“Meat food product” means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

(3) Any person offending against the provisions of paragraph (a) or paragraph (f) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and (in the case of an offence against the provisions of the said paragraph (a)) to a daily penalty not exceeding twenty shillings.

(4) This section shall not apply to any person who proves that he has no storage accommodation situate within the city.

76.—(1) The Corporation may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the city and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation.

Byelaws as
to inspec-
tion of meat.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 apply or which has been inspected and passed as fit for food by the medical officer of health of the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the city but within a circle having a radius of ten miles from the site of the Guildhall of the city for the purpose of inspecting any

A.D. 1935. — carcase or any part thereof intended for sale or consumption in the city.

(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the Exeter Master Butchers' Association and to the Devon branch of the National Farmers' Union of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association and branch thereon before the Corporation submit such byelaws to the Minister for confirmation and such association and branch shall be entitled to make representations to the Minister with regard thereto.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Extension
of section 72
of Public
Health Act
1925.

77.—(1) Section 72 of the Public Health Act 1925 in its application to the city shall (except in relation to subsection (3) and paragraph (e) of subsection (2) of that section) be read and have effect as if the words "the Factory and Workshop Act 1901 as amended by any subsequent enactment or" were omitted from subsection (1) of that section.

(2) The said section 72 as so amended shall in its application to the city be read and have effect as if the following provision were added after subsection (2) thereof (that is to say):—

"The occupier of any room to which this section applies and which is used for the preparation of food for sale or (except in the case of food contained in receptacles so closed as to exclude all risk of contamination) for the sale of food shall cause to be provided in connection with the room—

- (i) a satisfactory water supply; and
- (ii) suitable washing-up sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein."

(3) The said section 72 (except paragraphs (d) and (e) of subsection (2) thereof) shall apply so far as applicable to a yard (not being a yard to which any

regulation made under the Public Health (Regulations as to Food) Act 1907 applies) in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale.

A.D. 1935.

78.—(1) If the medical officer shall certify in writing that any person in the city—

Removal of infirm and diseased persons in certain cases.

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and the court upon oral proof of the allegations in the certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the city or within a convenient distance of the city and for the detention and maintenance of such person therein for such period (not exceeding three months) as may be determined by the order or such further period or periods (each not exceeding three months) as may be determined by any further order or orders made under and in accordance with the provisions of this section:

Provided that not less than three clear days before making any application under this subsection for the removal of any person to an institution or place not provided by the Corporation the medical officer shall give to the council of the county or borough or district to whom the institution or place belongs (in this section referred to as "the appropriate authority") notice in writing of his intention so to do.

A.D. 1935.
—

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court :

Provided that if the application asks for the removal of the person to a hospital institution or place not provided by the Corporation the appropriate authority shall be entitled to appear and be heard on the application and any matters relating thereto and may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between the appropriate authority and the Corporation.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and the court may make a rescission order accordingly if having regard to the circumstances they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any hospital institution or place not provided by the Corporation except with the consent in writing of the appropriate authority or shall affect or interfere with the exercise or discharge by the appropriate authority of any of their powers or duties and no order shall be made under the provisions of this section for the removal of any person to any voluntary hospital or charitable institution without the consent in writing of the controlling body thereof.

A.D. 1935.

(7) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised.

79.—(1) It shall not be lawful for any person (other than a person appointed by the Corporation for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt or yard adjoining any street for the purpose of removal of such contents by the Corporation.

Prohibiting
sorting
contents of
dustbins
and refuse
tips.

(2) It shall not be lawful for any person (other than a person employed by the Corporation in connection with any refuse tip used by the Corporation for the disposal of refuse) to sort over or disturb the refuse at any such refuse tip.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

PART VIII.

COMMON LODGING-HOUSES.

80. No house or part of a house within the city shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

As to
periods of
letting as
affecting
common
lodging-
houses.

A.D. 1935.

—
Power to
refuse
registra-
tion.

81.—(1) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

- (a) that the premises are suitably equipped for use and occupation as a common lodging-house; or
- (b) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the district in which the premises are situate.

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such registration is refused.

(3) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that written notice of such appeal be sent to the town clerk before such appeal is lodged.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) On any such appeal the court may after considering any representations made by the Corporation either by order confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

Byelaws
relating to
common
lodging-
houses.

82. Section 80 of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstructions of all precautions and means

of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the cubical contents and the accommodation thereof.

A.D. 1935.

83.—(1) Section 69 of the Public Health Acts Amendment Act 1907 shall in its application to the city be read as if the words “if that person is newly registered after the commencement of this section” were omitted from subsection (2) of the said section.

Further provisions as to registration of common lodging-house.

(2) Notwithstanding anything in the Public Health Acts the registration of a common lodging-house whether registered before or after the passing of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation but may be renewed from time to time by the Corporation.

84. Within one month after the passing of this Act the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every registered common lodging-house in the city.

Notice of provisions of this Part of Act.

PART IX.

SALE OF COKE &C.

85. The provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the city.

Application to sale of coke of Weights and Measures Act 1889.

86. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Penalty on fraudulent sale.

A.D. 1935.

—
Proceedings
under Part IX
of Act.

87. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act.

Application
of Part IX
of Act.

88. The provisions of this Part of this Act relating to coke shall apply to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

Notice to
be given.

89.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city.

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

PART X.

POLICE.

Prohibition
of touting
in streets
&c.

90.—(1) No person shall in any street or public place or at any parking-place provided by the Corporation importune any person being the owner driver or other person in charge of any vehicle by touting for employment in connection with the safeguarding of such vehicle.

(2) Any person offending against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty shillings.

Notice of
processions
to be given.

91.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the city (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the city without such notice having been previously given or otherwise than in accordance with such notice

the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each. A.D. 1935.
—

92. Section 249 of the Act of 1933 in its application to the city shall be extended so as to empower the Corporation to make byelaws for requiring any person being in charge of a dog in any street or public place to take all reasonable steps to prevent such dog from depositing its excrement on the public footpath. Dogs fouling footpaths.

93. In the application to any land forming part of a street in the city of section 68 of the Public Health Act 1925 the word "byelaws" shall be substituted for the word "regulations." Extension of section 68 of Public Health Act 1925.

94.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public. Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of this section shall not apply to any locomotive used by the Great Western Railway Company or the Southern Railway Company or the gas company.

95.—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair. Silencers for internal combustion engines.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid :

A.D. 1935.

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company and used by them for the purposes of their railway undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Noise
nuisance.

96.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875. Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

PART XI.

FINANCE.

Power to
borrow.

97.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the

said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

A.D. 1935.

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The purchase of lands for the purposes of this Act.	£191,050	Sixty years.
(b) The construction of the street works authorised by this Act.	£13,350	Thirty years.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

98.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called “Exeter Corporation bonds” (and in this Act referred to as “bonds”) in accordance with the provisions of this Act.

Power to borrow by issue of bonds.

(2) Where the Corporation raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

A.D. 1935.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Application
of Act of
1933 to
existing
sinking
funds.

99. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

Meaning of
"statutory
borrowing
power" for
certain
purposes.

100. For the purposes of the Act of 1922 and the Act of 1928 the definition of "statutory borrowing power" which is contained in section 4 (Interpretation) of the Act of 1922 shall have effect as if the words "but" shall not include the power to borrow by way of "temporary loan or overdraft conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933" were inserted at the end thereof.

Dividend
warrants
by post.

101.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security other than stock that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register. Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation or the treasurer by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security. A.D. 1935.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

102.—(1) The Corporation or the registrar with the approval of the Corporation as regards stock may close the register of transfers of any class of authorised securities of the Corporation (including the stock transfer books) on any day not more than thirty days next before the date on which any interest or dividends on the class of securities to which such register relates are payable but so that the register be not at any time kept closed for more than thirty days. Closing of transfer books.

(2) The persons who on such closing day are entered in the register as holders of any securities of the class of which the register of transfers is closed shall as between them and the transferees of those securities be entitled to the interest or dividends next payable thereon.

103.—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the undertakings of the Corporation from which revenue is derived) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating such sums out of the general rate fund (other than moneys derived from the above-mentioned undertakings) as the Corporation from time to time deem expedient: Capital reserve fund.

Provided that—

- (a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to

A.D. 1935.
—

section 9 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of fifty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall be either invested in statutory securities or used in the manner provided by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds."

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund.

Renewal
and repairs
fund.

104.—(1) The Corporation may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called "the renewal and repairs fund" (a) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the water electricity and road transport undertakings of the Corporation) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (b) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings (not being buildings in respect of which the Corporation are required to keep a housing repairs account under the provisions of any enactment for the time being in force).

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed ten thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section which are not comprised in the water electricity and road transport undertakings of the Corporation and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

A.D. 1935.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act or by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

105. The provisions of section 135 (Consolidated loans fund) of the Act of 1928 shall be read and have effect as if—

Amendment
of section
135 of Act
of 1928.

- (i) the words "including the interest arising from the investments thereof" were omitted from subsection (2) of that section;
- (ii) the following subsections were inserted therein (namely) :—

(6) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

A.D. 1935.
—

(7) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingency accident insurance superannuation capital or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

Use of
moneys
forming
part of
sinking and
other funds.

106. Notwithstanding anything in this or any other Act the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingency accident insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(a) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as

and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

A.D. 1935.

- (b) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used;
- (c) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

107. The sections of this Act of which the marginal notes are—

- “ Receipts and expenses ” ;
 “ Accounts ” ;
 “ Application of revenue of undertakings ” ;
 “ Reserve funds ” ; and
 “ Provisions as to surplus electricity revenue ” ;

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-five.

As to operation of certain provisions of this Part of Act.

108.—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation whether on capital or revenue account

Receipts and expenses.

A.D. 1935. including (but without prejudice to the generality of this provision)—

- (a) all money received by the Corporation on account of the revenue of any undertaking of the Corporation as from time to time existing from which revenue is derived; and
- (b) interest and other annual proceeds from time to time received by the Corporation on the investments or balances forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingency accident insurance consolidated loans capital or other similar fund (including any interest payable to any such fund in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds");

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay apply or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Accounts.

109.—(1) The Corporation notwithstanding the provisions of any Act or Order to the contrary shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") and as to revenue shall show under a separate heading or division on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph

(b) of subsection (1) of the last preceding section of this Act provided in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of or connected with the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) credited to any reserve fund provided in connection with the undertaking;
- (f) any money expended or applied for any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings."

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

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

(4) Nothing in this section shall affect the operation of the proviso to section 41 (Omnibuses to form part of tramway undertaking) of the Act of 1928.

(5) If in any year the separate heading or division of the accounts of the Corporation which relates to the water undertaking shall show that the moneys received by the Corporation on account of the revenue

A.D. 1935.

of that undertaking exceed the moneys expended by the Corporation in connection with that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) (d) and (e) of this section by more than the sum (if any) required to balance the amount by which the said expenses in any previous year or years has exceeded the revenue of such year or years then the rents and charges of the Corporation for the supply of water to be demanded and charged in the next succeeding year shall be reduced in such manner as the Corporation think fit to an extent as nearly as may be equivalent to the amount of such excess :

Provided that if owing to an increase in the estimated amount of the said expenses in the said next succeeding year or to a reduction in the estimated revenue of the water undertaking for that year the amount of such excess or any part thereof will be required in order that the said revenue may not be less than the amount of the said expenses the reduction in rents and charges to be made in pursuance of this subsection may be such only as will reduce the revenue as nearly as may be by the amount of the balance of such excess.

Application
of revenue
of under-
takings.

110. If in respect of any year the moneys received by the Corporation on account of the revenue of any undertaking of the Corporation as from time to time existing from which revenue is derived other than the water undertaking (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" and as is provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the last preceding section the Corporation may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes :—

- (a) In the reduction of capital moneys borrowed for the purposes of the undertaking;

- (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking. A.D. 1935.

111.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each or any of the undertakings of the Corporation as from time to time existing from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used under the provisions of the section of this Act of which the marginal note is “Use of moneys forming part of sinking and other funds”) investing the same in statutory securities until the fund so provided amounts— Reserve funds.

- (a) in the case of the electricity undertaking and in the case of the water undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on those undertakings respectively;
- (b) in the case of the road transport undertaking to a sum equal to one-fifth of the aggregate capital expenditure of the Corporation on that undertaking; and
- (c) in the case of any other undertaking to the maximum reserve fund for the time being prescribed by the Corporation:

Provided that no such amount shall be so set aside towards providing a reserve fund in respect of the electricity undertaking in any year in which the separate heading or division of the general rate fund accounts which relates to that undertaking shall show that the moneys received by the Corporation on account of the revenue of that undertaking do not exceed the moneys expended by the Corporation in connection with that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of the section of this Act of which the marginal note is “Accounts” and the amounts so set aside in any year shall not exceed the amount by which the said heading or division shall show that the moneys so received by the Corporation exceed the moneys so expended.

A.D. 1935.

(2) Any reserve fund which has been provided in respect of any of the said undertakings and which is in existence on the first day of April nineteen hundred and thirty-five shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or
- (c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

Provisions
as to surplus
electricity
revenue.

112.—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of the section of this Act of which the marginal note is “Application of revenue of undertakings”) (namely):—

If in any year the moneys received by the Corporation on account of the revenue of the undertaking

A.D. 1935.
—

(including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" and as is provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) to (f) of subsection (1) of the section of this Act of which the marginal note is "Accounts" then—

(a) if the reserve fund in respect of the undertaking does not amount to more than one-twentieth of the aggregate capital expenditure for the time being on the undertaking a sum equal to the amount of such excess shall be credited to the revenue account of the undertaking for the next following year and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure such amount as the Corporation may think fit (not being less in cases where the said excess of receipts over expenses is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between the said excess and that sum) shall be credited to the revenue account of the undertaking for the next following year and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so deemed to be revenue.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer

A.D. 1935. — to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

(3) Subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be deemed to have ceased to be incorporated with any of the Acts or Orders relating to the electricity undertaking.

PART XII.

MISCELLANEOUS.

As to city
walls.

113. No person shall place or cause or permit to be placed any materials or refuse within six feet of the city walls so as to cause or be likely to cause damage to those walls or so as to prevent or interfere with the inspection of the walls or any part thereof by the Corporation.

As to aero-
drome
under-
taking.

114.—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") they may make such charges in respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit :

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Air Council and the said Secretary of State and subject to the like control by them under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

115. Subject to the provisions of this Act—

A.D. 1935.

(1) The Corporation may provide or carry on or arrange for the provision or carrying on of concerts entertainments exhibitions and amusements in any hall or building belonging to them and may make such charges as they think fit for admission thereto and the Corporation may let any such hall or building for the purposes of such concerts entertainments exhibitions or amusements or for the sale of refreshments for such periods or occasions for such rent or other consideration and upon and subject to such terms and conditions as the Corporation may think fit Provided that—

Provision of
concerts
entertain-
ments &c.

(a) nothing in this subsection contained shall enable the Corporation to use any hall or building so provided by them for the purposes of a cinematograph theatre;

(b) the concerts entertainments exhibitions and amusements which the Corporation may provide under the powers of this section shall include concerts and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Corporation shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the city) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall;

(c) the Corporation shall not under the powers of this section let any such hall or building erected by them for the purpose of stage plays or the giving of variety entertainments by professional performers unless a reasonable charge or rent is paid to the Corporation in respect of such letting :

A.D. 1935.
—

- (2) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments exhibitions and amusements given in pursuance of this section :
- (3) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section :
- (4) The Corporation may pay or contribute towards the cost of providing and maintaining at public places in the city and on omnibuses and public service vehicles plying in the city or between the city and other places and in newspapers circulating in the city or the neighbouring districts advertisements of any concerts entertainments exhibitions or amusements given or provided in pursuance of this section :
- (5) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the general rate fund Provided always that the net amount of any payments or expenses made and incurred by the Corporation under the provisions of this section after deducting any moneys received by them under those provisions shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the city assessable in that year to the general rate.

Pro-
grammes.

116. The Corporation may provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction or towards the expenses of which they may contribute in any public park or pleasure ground in the city and may sell such programmes or may authorise any person or persons to provide and sell such programmes.

117. The Corporation may permit any market or market place or any land used for the purposes of any market or cattle market and any open land belonging to them to be used for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto and may make such charges for such user as they may from time to time determine but nothing in this section shall operate to prevent the holding of any market.

A.D. 1935.

—
Use of
market
place for
public
meetings
&c.

118.—(1) No person shall sell any commodity in the part of the Corporation's markets appropriated for the purpose of a corn exchange except from a stand therein rented by him or by a person for whom he is acting as agent Provided that this section shall not apply to a farmer selling the produce of his own land.

Prohibition
against
selling in
corn
exchange
except from
a stand.

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

119. The following provisions shall have effect in regard to the superannuation fund established by the Corporation under the Local Government and other Officers' Superannuation Act 1922 (that is to say):—

Posts of
certain
officers and
servants to
be estab-
lished posts.

(1) Such of the posts entered in the actuarial valuation of the said fund for the period of five years ending on the thirtieth day of September nineteen hundred and thirty-four against the names set out therein of officers and servants of the Corporation as are not at the date of the passing of this Act established posts shall be deemed to have been designated as established posts within the meaning of the said Act :

(2) The appointed day as respects any officer or servant occupying a post to which subsection (1) of this section applies shall be the first day of October nineteen hundred and twenty-four :

(3) Words and expressions used in this section have the same meaning as in the Local Government and other Officers' Superannuation Act 1922.

A.D. 1935.

Extension
of section 2
(3) of Public
Health
Interments
Act 1879.

120.—(1) Subsection (3) of section 2 of the Public Health Interments Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906.

(2) Any such sum shall be invested in statutory securities or in manner authorised by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" and the interest thereof applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to their cemetery or burial ground but otherwise the said interest shall be paid into the fund to which receipts derived from the cemetery or burial ground are paid.

Recovery of
rates rents
and charges
from
persons
removing.

121. If a justice is satisfied on complaint by any rate collector or other officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the city and has failed to pay on demand any general rate or water rent or charge or electricity charge which may be due from him and intends to evade payment of the same by departing from the city the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector or other officer of the Corporation to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

As to
recovery of
rates from
tenants and
lodgers.

122. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the city shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

For protec-
tion of gas
company.

123. Notwithstanding anything contained in this Act the following provisions for the protection of the gas company shall unless otherwise agreed in writing

between the Corporation and the gas company apply and have effect (that is to say) :—

A.D. 1935.
—

(1) In this section “ apparatus ” means and includes all or any mains pipes tubes fittings or other apparatus belonging to the gas company and “ authorised works ” means any work authorised by Part III of this Act or by the sections of this Act of which the marginal notes are “ Meters in streets to measure water or detect waste ” and “ Rounding off corners at street junctions ” :

(2) Section 152 (For protection of Exeter Gaslight and Coke Company) of the Act of 1928 (except subsections (1) and (9) thereof) shall so far as applicable and with any necessary modifications apply and have effect in relation to the execution of any authorised work as if the same had been expressly re-enacted in this Act and as if any reference in the said section to authorised work were a reference to authorised work as defined in subsection (1) of this section :

Provided that for the purposes of such application subsection (2) of the said section 152 shall have effect as if the words “ five yards ” were substituted therein for the words “ three feet ” :

(3) Notwithstanding the stopping up temporarily of any street under the powers of section 48 (Temporary stoppage of streets) of the Act of 1900 as applied by this Act it shall be lawful for the gas company their engineers and workmen and others in their employ to enter upon any such street and to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing any apparatus of the gas company in or under such street :

(4) If any difference shall arise with respect to any matter under this section between the Corporation and the gas company or their respective engineers the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party

A.D. 1935.
—

(after notice thereof in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such settlement by arbitration. In settling any question under this section an arbitrator shall have regard to any duties or obligations which the gas company may be under in respect of their apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the gas company's apparatus is used.

Service of
notices
demand
notes &c.

124. Notices and demand notes orders or other documents in respect of charges leviable by and due to the Corporation may be served in the same manner as notices demand notes orders or other documents under the Rating and Valuation Act 1925 are by section 59 of that Act authorised to be served.

As to
byelaws.

125. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be (a) in the case of byelaws made under the section of this Act of which the marginal note is "As to aerodrome undertaking" a Secretary of State and (b) in all other cases the Minister.

Compensa-
tion how to
be deter-
mined.

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

Expenses
may be
declared
private
improve-
ment
expenses.

127. The Corporation may declare any expenses incurred by them after the passing of this Act under the provisions of the Act of 1928 or this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

128. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

A.D. 1935.

—
Inquiries by
Minister.

129.—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Corporation may likewise appeal against the refusal of a court of summary jurisdiction to make any such order.

As to
appeals.

(2) Any person aggrieved by an order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer thereof under the provisions of Parts VI VII and VIII of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Corporation and to the clerk of the peace.

130. The following provisions of the Act of 1900 and the Act of 1928 shall extend and apply to and for the purposes of this Act as if the same were with all necessary modifications re-enacted in this Act (namely):—

Application
of provisions
of existing
Acts.

The Act of 1900—

- Section 48 (Temporary stoppage of streets);
- Section 55 (Correction of errors &c. in deposited plans and book of reference);
- Section 57 (Persons under disability may grant easements &c.);
- Section 60 (Owners may be required to sell parts only of certain lands and buildings).

The Act of 1928—

- Section 8 (Extinction of private rights of way);
- Section 9 (Power to enter upon property for survey and valuation);
- Section 10 (Benefits to be set off against compensation);

A.D. 1935.
—

- Section 11 (Compensation in case of recently acquired interest);
- Section 12 (Power to develop lands &c.);
- Section 13 (Power to Corporation to advance money for erection of buildings);
- Section 16 (Proceeds of sale of surplus lands);
- Section 20 (Power to make subsidiary works);
- Section 21 (Power to alter steps areas pipes &c.);
- Section 22 (Application of road materials excavated in construction of works);
- Section 23 (Land laid into streets to form part thereof);
- Section 154 (Penalty on occupiers refusing execution of Act);
- Section 157 (Power of entry);
- Section 162 (Damages and charges to be settled by court);
- Section 163 (Recovery of demands);
- Section 168 (Recovery of penalties &c.);
- Section 170 (Powers of Act cumulative);
- Section 171 (Saving for indictment &c.);
- Section 172 (Application of section 265 of Public Health Act 1875);
- Section 173 (Judges not disqualified);
- Section 174 (Crown rights):

Provided that for the purposes of such extension and application—

- (a) section 55 of the Act of 1900 shall have effect as if the town clerk were therein referred to instead of the clerk of the peace for the county of the city of Exeter;
- (b) section 60 of the Act of 1900 shall apply in respect of the premises which are numbered 3 4 5 6 7 22 and 23 on the deposited plans and those premises shall be the scheduled properties within the meaning of that section;

- (c) section 11 of the Act of 1928 shall have effect as if the fifteenth day of November nineteen hundred and thirty-four were therein referred to instead of the fifteenth day of November nineteen hundred and twenty-seven; A.D. 1935.
- (d) section 12 of the Act of 1928 shall have effect as if the street works authorised by this Act were referred to therein instead of the street works authorised by that Act;
- (e) section 13 of the Act of 1928 shall have effect as if the words "the rate for the time being prescribed by the Minister for the purpose of loans under the Small Dwellings Acquisition Acts 1899 to 1933" were substituted in subsection (2) thereof for the words "five per centum";
- (f) section 157 of the Act of 1928 shall have effect as if Parts VI VII VIII and XII of this Act were referred to therein instead of Parts VII and VIII of the Act of 1928.

131.—(1) The following enactments are hereby repealed as from the first day of April nineteen hundred and thirty-five :— Repeal.

The Act 1 Geo. 4. c. lxxviii—

Section XIX (Accounts of money to be annually made out);

Section XXVIII (Application of the tolls to pay the annual interest and charges and of the balance to pay off the principal and for the reduction of tolls and cessation of the payment of two hundred and fifty pounds out of the rents) except the words "and the several tolls duties and sums of money specified in the fifth schedule to this Act annexed" to the words "for their own proper use and benefit";

Section XXXII (Money to be paid off and how).

A.D. 1935.
—

The Act 4 Will. 4. c. viii—

Section XI (Application of the principal money
and tolls).

The Act of 1878—

Section 48 (Application of revenue);

Section 49 (Separate water account to be kept);

Section 50 (Apportionment of items).

The Exeter Corporation Act 1903—

Section 68 (Application of revenue of tramway
undertaking and as to deficiency);Section 69 (Apportionment of expenses between
tramway and electricity under-
takings).

The Act of 1928—

Section 146 (Application of revenue and payment
of expenses of undertakings);

Section 147 (Accounts);

Section 148 (Water reserve fund);

Section 149 (Limitation on water rates and
charges).(2) The following enactments are hereby repealed as
from the date of this Act :—

The Act of 1878—

Section 34 (Water rents to be paid in advance).

The Act of 1928—

Section 34 (Working and other agreements with
respect to omnibuses);Subsections (1) and (3) of section 44 (Supply of
water to houses partly used for
trade &c.);Section 46 (Corporation not bound to supply
several houses by one pipe);Section 49 (Power to Corporation to repair
communication pipes);Section 106 (Registration of ice-cream manu-
facturers and premises);

- Section 107 (For regulating manufacture and sale of ice-cream &c.); A.D. 1935.
 Section 109 (Extension of powers of section 72 of Public Health Act 1925);
 Section 111 (Registration of premises used for preparation of potted and preserved foods);
 Section 137 (Use of moneys forming part of sinking and other funds);
 Section 142 (Interest on mortgages held jointly).

132. 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 or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

A.D. 1935.
—

The SCHEDULE referred to in the foregoing Act.

PROVISIONS AS TO CORPORATION BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the municipal offices Exeter on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

A.D. 1935.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.....

Date.....

CITY OF EXETER.

Exeter Corporation Bonds.

.....per centum Exeter Corporation bond repayable at par on the.....19.....at the municipal offices Exeter.

This is to certify that.....of..... is the registered holder of an Exeter Corporation bond forpounds (£.....) issued by the mayor aldermen and citizens of the city and county of the city of Exeter under the Exeter Corporation Act 1935 at.....

The common seal of the mayor aldermen and citizens of the city and county of the city of Exeter was hereunto affixed in the presence of

.....Town clerk.

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

A.D. 1935,

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER.

Exeter Corporation Bonds.

I
in consideration of the sum of.....
paid by
(hereinafter called "the transferee") do hereby assign
and transfer to the transferee.....
To hold unto the transferee his executors administrators
and assigns subject to the several conditions on which I held
the same immediately before the execution hereof and I
the transferee do hereby agree to accept and take the said
.....subject to the conditions
aforesaid.

As witness our hands and seals this.....
day of.....in the year of our Lord
one thousand nine hundred and.....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Exeter Corporation bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of

title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

A.D. 1935.
—

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

10. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

Adastral House, Kingsway, London, W.C. 2; 120 George Street, Edinburgh 2;

York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;

80 Chichester Street, Belfast;

or through any Bookseller

