



CHAPTER cii.

An Act to empower the mayor aldermen and burgesses of the borough of Taunton to purchase lands for various purposes to construct additional waterworks to confer further powers upon the Corporation with regard to their water undertaking and their markets undertaking to make further provision with regard to the health local government and improvement of the borough and the supply of electricity in the borough and neighbourhood to extend the boundaries of the borough and for other purposes. A.D. 1931.

[31st July 1931.]

WHEREAS the borough of Taunton (hereinafter called "the borough") is under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas it is expedient to confer upon the Corporation power to purchase the lands referred to in this Act for the several purposes mentioned in this Act:

And whereas the Corporation are the owners of the waterworks for supplying and are supplying water within their borough and the neighbourhood thereof and powers with regard to their waterworks and to such supply are conferred upon the Corporation by the Taunton Corporation Act 1900:

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— And whereas the supply of water from the waterworks of the Corporation is inadequate to meet the growing demands of the areas within which the Corporation are at present supplying water and it is expedient that the Corporation should be empowered to construct the additional waterworks authorised by this Act and to acquire lands for the purposes thereof and for protecting their waterworks against pollution :

And whereas it is expedient that the further powers in relation to their water undertaking contained in this Act should be conferred upon the Corporation :

And whereas the Corporation are the owners of the markets and market undertaking in the borough and it is expedient to confer upon the Corporation further powers with regard to their markets and the lands and buildings forming part of their market undertaking as provided by this Act :

And whereas it is expedient to make further and better provision with regard to streets and buildings in the borough and for the health local government and improvement of the borough and to enlarge the powers of the Corporation with regard to those matters as provided by this Act :

And whereas the Corporation supply electricity in the borough and neighbourhood and it is expedient to confer upon them the further powers with regard to the supply of electricity contained in this Act :

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

And whereas the parishes of St. Mary Magdalen Without West Monkton St. James Without and Staple-grove in the rural district of Taunton and county of Somerset immediately adjoin the borough and it is expedient to alter and extend the boundaries of the borough and of the parish of Taunton so as to include parts of the said parishes therein :

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

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

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

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For and in connection with the acquisition of lands and easements - - -	£ 23,500
For and in connection with the construction of the dam and intake authorised by this Act - - - - -	4,640
For and in connection with the aqueduct authorised by this Act - - -	5,360
For and in connection with the provision of new mains extensions of mains and other waterworks purposes - -	10,000
For and in connection with the market undertaking of the Corporation -	5,000

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

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

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Taunton Corporation Act 1931. Short title.

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Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Acquisition of lands &c.
- Part III.—Waterworks and water supply.
- Part IV.—Markets.
- Part V.—Streets buildings sewers and drains.
- Part VI.—Infectious disease and sanitary matters.
- Part VII.—Common lodging-houses.
- Part VIII.—Town planning.
- Part IX.—Police.
- Part X.—Electricity.
- Part XI.—Extension of boundaries.
- Part XII.—Financial and miscellaneous provisions.

Incorporation of Acts.

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

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

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

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

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 ;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers): A.D. 1931.
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(3) The Waterworks Clauses Act 1863 :

(4) The Markets and Fairs Clauses Act 1847 so far as its provisions relate to markets.

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. Interpretation.

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

“The borough” means—

(a) In Parts I to X inclusive and Part XII the borough of Taunton ;

(b) In Part XI the existing borough of Taunton as extended by this Act ;

“The Corporation” means the mayor aldermen and burgesses of the borough acting by the council ;

“The council” means the council of the borough ;

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

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

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

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- “The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred;
- “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 electricity limits” means the limits within which the Corporation are for the time being authorised to supply electricity;
- “Infectious disease” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “Child” means a person under the age of sixteen years;
- “Food” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;
- “Daily penalty” means a penalty for every day on which an offence is continued by a person after conviction thereof;
- “The local Acts” means the local Acts specified in Part I of the Second Schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders;
- “The appointed day” means the first day of April nineteen hundred and thirty-two;
- “The borough map” means the map marked “Taunton Extension Borough Map” and signed in triplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to which the Bill for this

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Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

“ The ward map ” means the map marked “ Map of the wards of the borough of Taunton as extended by the Taunton Corporation Act 1931 ” and signed in triplicate by Sir John Ganzoni the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

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

“ The rural district ” means the Taunton rural district;

“ The rural council ” means (except in the section of this Act of which the marginal note is “ As to supplies of water in the Taunton and Wellington rural districts ”) the council of the rural district;

“ The added areas ” means the parts of the existing parishes of St. Mary Magdalen Without West Monkton St. James Without and Staplegrove in the rural district in the administrative county of Somerset coloured pink on the borough map;

“ The added part of ” followed by the name of any of the parishes hereinafter mentioned means the part of that parish which is coloured pink on the borough map namely St. Mary Magdalen Without West Monkton St. James Without and Staplegrove;

“ The county ” means the administrative county of Somerset;

“ The county council ” means the county council of the county;

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- “ The Act of 1888 ” “ the Act of 1894 ” and “ the Act of 1929 ” mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929 ;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;
- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925 ;
- “ The Act of 1900 ” means the Taunton Corporation Act 1900 ;
- “ Provisional Order ” includes a Special Order ;
- “ The Minister ” means the Minister of Health ;
- “ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 but does not include a public service vehicle as defined in the Road Traffic Act 1930 ;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;
- “ 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; A.D. 1931.

“The revenues of the Corporation of the existing borough” and “the revenues of the Corporation of the borough” mean respectively the revenues of the mayor aldermen and burgesses of the existing borough and of the borough respectively from time to time arising from any of their land undertakings or other property for the time being and the rates or contributions leviable by or on the order or precept of the said mayor aldermen and burgesses respectively;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878.

PART II.

ACQUISITION OF LANDS &C.

5.—(1) Subject to the provisions of this Act the Corporation may enter on take and use for and in connection with the construction of the works authorised by this Act such of the lands in the county delineated on the deposited plans and described in the deposited book of reference as they may require. Power to take lands.

(2) Subject to the provisions of this Act the Corporation may enter on take and use the following lands delineated on the deposited plans and described in the deposited book of reference :—

(a) For the purpose of protecting the water supplies of the Corporation against pollution and for other the purposes of the water undertaking—

The lands in the county numbered as follows on the deposited plans and described in the deposited book of reference—

(i) In the parish of Corfe in the rural district 2;

(ii) In the parish of Otterford in the rural district 9 13 to 55 inclusive and 57 to 75 inclusive;

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(iii) In the parish of Pitminster in the rural district 21 to 47 inclusive 49 to 63 inclusive 66 to 70 inclusive 72 to 78 inclusive 80 81 82 84 to 88 inclusive 90 to 101 inclusive 103 104 105 and 107 to 111 inclusive;

(iv) In the parish of West Buckland in the rural district of Wellington 1 to 20 inclusive;

(b) For the purposes of section 154 of the Public Health Act 1875—

The lands in the borough numbered 1 to 80 inclusive on the deposited plans and described in the deposited book of reference :

Provided that the Corporation shall sell to the county council and the county council shall purchase such of the lands numbered 1 to 38 inclusive on the deposited plans in the borough in respect of Cann Street and Shuttern as shall not be required for the purposes of the said section 154 and the county council shall pay to the Corporation for such lands such proportion of the moneys which the Corporation shall have expended for and in connection with the purchase of the said lands numbered 1 to 38 inclusive on the said plans in the borough as the area of the lands purchased by the county council shall bear to the whole area of the said lands so numbered on the said plans in the borough.

For protec-
tion of
Viscount
Portman.

6. Notwithstanding anything contained in this Act and shown on the deposited plans and sections and unless otherwise agreed in writing with the Right Honourable Edward Claud Berkeley Viscount Portman or other the owner for the time being of the Staple Manor Estate in the county the Corporation shall not enter upon take or use the lands numbered on the deposited plans 10 and 11 in the parish of Otterford.

For protec-
tion of
Claude
Ward
Jackson.

7. The following provisions shall notwithstanding anything in this Act contained and shown on the deposited plans and sections and unless otherwise agreed in writing have effect for the protection of Claude Ward Jackson of Hayne in the county (in this section referred to as "the owner" which

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expression shall include the owner or owners for the time being of the lands which are numbered respectively on the deposited plans 1 and 3 in the parish of Corfe 1 2 3 4 6 7 8 and the eastern portion (coloured light blue on the plan mentioned in subsection (2) of this section) of 9 in the parish of Otterford and 64 and 65 in the parish of Pitminster and are in this section referred to as "the estate") (that is to say):—

- (1) The Corporation shall not except as hereinafter mentioned enter upon take or use the estate :
- (2) Subject to the provisions of this Act the Corporation may and shall purchase and the owner shall sell so much of the lands of the owner numbered on the deposited plans in the parish of Otterford 9 and 46 as is coloured dark blue on the plan (hereinafter in this section referred to as "the signed plan") signed by Ernest Gilbert Coles on behalf of the Corporation and by the owner on his own behalf Provided that the Corporation shall hold and use such land purchased by them as aforesaid for the purpose of protecting the water supplies of the Corporation against pollution and for other the purposes of the water undertaking and shall not erect or permit the erection of any house or other building thereon other than any house or building in connection with or for the purposes of the water undertaking :
- (3) The Corporation shall with all reasonable dispatch after the purchase by them of the lands referred to in the immediately preceding subsection construct and maintain to the reasonable satisfaction of the owner a concrete or iron post and wire fence five feet in height between the points marked "A" and "B" on the signed plan :
- (4) The Corporation shall within six months after the passing of this Act free of charge to the owner and to his reasonable satisfaction provide and (subject as hereinafter mentioned) maintain for the use of the three existing houses situate on the lands numbered on the deposited plans 65

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in the parish of Pitminster and 3 in the parish of Otterford a constant supply of unfiltered water sufficient to meet all domestic requirements of the said houses The Corporation shall at their expense provide a cistern or tank of a capacity of not less than five hundred gallons upon the land numbered on the deposited plans 9 in the parish of Otterford mentioned in subsection (2) of this section (or at the discretion of the Corporation upon any other land which they shall hereafter acquire under the provisions of this Act) and the Corporation shall at the like expense lay and connect to the said tank to the reasonable satisfaction of the owner all necessary pipes stop-cocks and other works for providing and maintaining (subject as hereinafter mentioned) such supply of water upon the owner giving to the Corporation all reasonable facilities on his lands for executing the said works Provided that the obligation of the Corporation to maintain the supply of water to the three houses mentioned in this subsection shall continue only during such time as a sufficient supply of water arises or springs from the lands to be acquired by the Corporation under subsection (2) of this section or from such of the lands numbered on the deposited plans 13 14 and 15 in the parish of Otterford as the Corporation hereafter acquire under the provisions of this Act :

- (5) The owner to the reasonable satisfaction of the Corporation shall at his own expense construct upon receiving a written request from the Corporation so to do and when constructed maintain proper and sufficient drains and a cesspit for conveying and receiving the sewage and drainage of the house situate in the north-western corner of the land numbered on the deposited plans 65 in the parish of Pitminster The said cesspit shall be constructed on the said land at or near the point marked "C" on the signed plan and the owner may discharge the overflow from such cesspit on the land numbered on the deposited

plans 1 in the parish of Corfe at or near the northern boundary thereof by means of a pipe to be constructed between the cesspit and the point of discharge and along and as near as practicable to the said northern boundary such pipe to be constructed and maintained in such manner as the Corporation shall reasonably approve :

(6) Except as in this section provided the owner shall not construct any buildings sewers drains or cesspit nor permit the same to be constructed except as provided in subsections (5) (7) and (8) of this section on the lands coloured light blue on the signed plan :

(7) The owner may construct and maintain—

(a) a stable and a garage on the land numbered on the deposited plans 65 in the parish of Pitminster Provided that the owner shall at his own expense and to the reasonable satisfaction of the Corporation construct and maintain proper and sufficient drains for conveying the drainage of such stable and garage to the cesspit to be constructed by the owner under the provisions of subsection (5) of this section; and

(b) farm buildings with farmyard on the portion of the land numbered 1 on the deposited plans in the parish of Corfe hatched with black lines on the signed plan Provided that the owner shall at his own expense and to the reasonable satisfaction of the Corporation construct and maintain proper and sufficient drains for draining the said farm buildings and farmyard and the pipe for conveying the drainage therefrom may be constructed and maintained to the like satisfaction on the land numbered 1 as aforesaid along the south-eastern boundary thereof in a north-easterly direction and discharge into the ditch marked "D E" on the signed plan :

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(8) (i) The Corporation may at their own expense provide construct and maintain drains works and apparatus on the estate—

(a) for receiving and conveying the sewage and drainage of the farm house and buildings situate on the land numbered 3 on the deposited plans in the parish of Otterford; and

(b) for receiving and conveying the sewage and drainage of the cottage situate at the southern corner of the land numbered 65 on the deposited plans in the parish of Pitminster;

(ii) The Corporation may connect the drains works and apparatus referred to in sub-paragraph (i) (a) of this subsection with the drains referred to in paragraph (b) of subsection (7) of this section and may construct the drain referred to in sub-paragraph (i) (b) of this subsection in and across the land numbered 1 on the deposited plans in the parish of Corfe;

(iii) The Corporation shall give to the owner not less than one month's notice in writing of their intention to provide any such drains works and apparatus and the owner shall afford the Corporation all reasonable facilities for constructing and maintaining all works and apparatus for and in connection therewith and all such work shall be executed to the reasonable satisfaction of the owner and in so far as such works are situate upon the land of the owner in accordance with his reasonable requirements :

(9) Any difference which may arise under this section between the owner and the Corporation other than any difference as to compensation to be paid by the Corporation for or in respect of the acquisition of land or the restrictions imposed by subsections (6) (7) and (8) of this section shall be determined by arbitration by a single arbitrator and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

8. The following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing have effect for the protection of John Hine of West Buckland Somerset (in this section referred to as "the owner" which expression shall include the owner or owners for the time being of the farm known as Perry Farm comprising enclosures numbered 77 to 79 inclusive 128 to 140 inclusive 170 172 174 to 176 inclusive 183 184 198 to 201 inclusive 257 and 785 on the Ordnance survey map (1904 second edition) of the parish of West Buckland in the county) now belonging to the owner:—

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For pro-
tection of
John Hine.

- (1) The Corporation shall not appropriate take use or interfere with any springs and the waters thereof situate on the lands numbered 1 2 and 3 on the deposited plans in the parish of West Buckland and shall not execute any work or do any act or thing so as to diminish in any way the continuous supply of water to the owner from the said springs through and by means of the pipe line and open channel situate on the said lands mentioned in this subsection and the purity of such water:
- (2) The owner shall have the right to enter at all times upon the said lands numbered 1 2 and 3 aforesaid for the purpose of inspecting and cleansing and under the supervision of the Corporation and their officers repairing and renewing the said pipe line and open channel the owner doing as little damage as possible to the property of the Corporation.

9. The powers of the Corporation for the compulsory purchase of lands under this Act for the purposes of the water undertaking shall cease after the expiration of three years from the thirty-first day of December nineteen hundred and thirty-one and for all other purposes of this Act shall cease after the expiration of five years from that date.

Period for
compulsory
purchase
of lands.

10. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the

Correction
of errors
in deposited
plans and
book of
reference.

A.D. 1931. Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the county council and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the county council and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Power to enter upon property for survey and valuation.

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

Benefits to be set off against compensation.

12. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction under section 154 of the Public Health Act 1875 of any new street or of the widening or improvement under the said section of any existing street

or arising through such adjoining lands becoming lands A.D. 1931.
fronting on any such new or existing street shall be —
fairly estimated and shall be set off against the said
compensation or purchase money.

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

14. For the purposes of determining any question of disputed purchase money or compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the thirty-first day of December nineteen hundred and thirty if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently acquired interest.

15. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed twenty acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands. Purchase of additional lands by agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are Persons under disability may grant easements &c.

A.D. 1931. — applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Acquisition
of ease-
ments.

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

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section for the purpose of such works where they are respectively laid underground the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being at all times after the completion of such works shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if this Act had not passed.

(3) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

Diversion
of footpath.

18.—(1) The Corporation may divert in the manner shown on the deposited plans the public footpath leading from Curdleigh Farm in the parish of Pitminster to Hawks Moor in the parish of Otterford there marked as intended to be diverted and may stop up and cause to be discontinued as a footpath so much of the said footpath as will be rendered unnecessary by the new portion of footpath shown on the deposited plans but the Corporation shall not stop up the said existing portion of footpath until two justices acting in and for the county shall have

certified that the said new portion of footpath has been completed to their satisfaction and opened for public use. A.D. 1931.

(2) As from the date of the said certificate all rights of way over or along the existing portion of footpath shall be extinguished and the Corporation may appropriate and use for the purposes of the water undertaking the site of the portion of footpath stopped up as far as the same is bounded on both sides by lands of the Corporation and the site of such portion of footpath shall be vested in them.

(3) The Corporation shall make full compensation to all persons 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 the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

19. All private rights of way over lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

20. Subject to the provisions of this Act the Corporation may in connection with the powers granted to them by the Public Health Acts so 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. Agreements with owners of property &c.

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Power to
Corporation
to advance
money for
erection of
buildings.

21.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under the provisions of this Act and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being prescribed by the Minister for the purposes of loans under the Small Dwellings Acquisition Acts 1899 to 1923 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance

is made and of the land upon which such building is to be erected or the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required by them the receipts for the premium paid in respect of such insurance and to keep the building in good repair.

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(6) The Corporation shall have power to enter the building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

22.—(1) Whereas in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

Owners may be required to sell parts only of certain premises.

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties";

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion

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of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal

may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner; A.D. 1931.

- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;
- (g) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

23.—(1) Subject to the provisions of the section of this Act of which the marginal note is “Power to take lands” and notwithstanding anything in any other Retention and disposal of lands.

[Ch. cii.] *Taunton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931. — Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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

(3) Nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(4) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and

effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed. A.D. 1931.
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24. So long as any lands remain to be acquired by the Corporation under the authority of this Act the Corporation may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act or any other Act under which such loan has been raised except to such extent and upon such terms as may be approved by the Minister :

Application of capital moneys on disposal of lands.

Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase ;
- (b) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

25.—(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 may 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.

Powers with reference to leases of surplus lands.

(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

A.D. 1931. — 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 to those prescribed in the section of this Act of which the marginal note is "Retention and disposal of lands" with respect to leases granted thereunder.

Power to
develop
lands &c.

26.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of this Act and not required for the purposes for which they were acquired and (with the consent of the Minister) any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and lay out and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands and may sell lease exchange or otherwise dispose of any such houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

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

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

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(4) The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of those lands or buildings or any of them with respect to the reinstatement of any 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.

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

(6) Nothing in this section—

(a) shall authorise the Corporation to create or permit any nuisance on any such lands as are referred to therein;

(b) shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

27.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

Dwelling-houses for persons in Corporation's employment.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

28.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands

Further powers for acquisition of land.

A.D. 1931. — which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

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

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

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

(b) in such other manner as may be approved by the Minister.

PART III.

WATERWORKS AND WATER SUPPLY.

Power to
make works.

29.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands in the rural district and the county delineated on those

plans and described in the deposited book of reference the following waterworks (namely) :—

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Work No. 1 A dam and intake partly in the parish of Pitminster and partly in the parish of Otterford across the stream known as the Sherford Stream or the Pitminster Stream at a point half a chain or thereabouts measured in a south-easterly direction from the junction with the said stream of the south-eastern boundary of the enclosure numbered 190 upon the 1/2500 Ordnance map of the parish of Pitminster (Somerset) sheet LXXIX—16 edition of 1930;

Work No. 2 An aqueduct or line or lines of pipes wholly in the parish of Pitminster commencing in Work No. 1 by this Act authorised and terminating in the north-eastern corner of the existing Luxhay reservoir of the Corporation.

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

30. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and the Corporation may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the dam and intake (Work No. 1) authorised by this Act three feet upwards and in the case of other works five feet upwards and in the case of all the said works to any extent downwards.

Power to deviate in construction of works.

A.D. 1931.

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Period for
completion
of works
and en-
largement
of works.

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

(2) The Corporation may extend enlarge alter reconstruct renew or remove the aqueduct constructed under this Act and lay down additional lines of pipes as and when occasion may require.

Power to
take waters.

32. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks all such springs streams and waters as will or may be intercepted by the dam and intake (Work No. 1) and works connected therewith authorised by this Act which springs streams and waters form the headwaters of the stream known as the Sherford Stream or the Pitminster Stream.

Limiting
powers of
Corporation
to abstract
water.

33. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Restrictions
on taking
water.

34.—(1) The Corporation shall not take divert or appropriate under the powers of this Act any water by means of the intake forming part of Work No. 1 authorised by this Act during such time as the flow of water immediately below the said Work No. 1 shall be less than at the rate of eighty-five thousand gallons per day of twenty-four hours.

(2) For the purpose of measuring the quantity of water taken diverted or appropriated by means of the said intake under the powers of this Act and (except during the prevalence of abnormal flood) the flow of the water immediately below the said Work No. 1 the Corporation before taking diverting or appropriating any such water shall provide and fix and thereafter shall maintain at or near the said Work No. 1 proper and suitable automatically recording

gauges through or over which respectively the water so taken diverted or appropriated and the water so flowing shall pass.

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(3) The said gauges and the records obtained by means thereof shall be open at all reasonable times to the inspection and examination of the Avon Brue and Parret Fishery Board of Conservators and all persons interested in the flow of the said stream known as the Sherford Stream or the Pitminster Stream or their duly accredited representatives and such persons or representatives may if they so desire take copies of any such records.

(4) In case of any neglect on the part of the Corporation to maintain the said gauges or any of them in a state of efficiency or in case of any other neglect by or in consequence of which water shall be appropriated by the Corporation in contravention of the provisions of this section they shall for every day on which such neglect occurs forfeit and pay to each of the persons injuriously affected thereby including the said fishery board (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any such person.

(5) If any difference shall arise between the Corporation and the said fishery board or any person so interested as aforesaid with respect to the construction or use of the gauges or any of them or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer nominated (unless otherwise agreed) on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

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

Works to form part of water undertaking.

36.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse Provided that water so discharged shall

Temporary discharge of water into streams.

A.D. 1931. — be as free as may be reasonably practicable from mud or soil or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the power 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 the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways canals or works of the Great Western Railway Company.

Power to agree as to drainage of lands &c.

37. The Corporation may make and carry into effect agreements with the owners lessees and occupiers of any lands within the drainage area of Work No. 1 authorised by this Act or the drainage areas of any of the reservoirs and other waterworks of the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this or any other Act authorised to be taken collected or appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Power to hold lands and exercise powers for protection of waters.

38.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation in addition to the lands specified in the section of this Act the marginal note of which is "Power to take lands" may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes:

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on

any lands acquired under this section nor without the approval of the Minister erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

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(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

39. The Corporation on selling any lands acquired by them in connection with the water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation
of water
rights &c.
on sale.

A.D. 1931:
Application
of Water-
works
Clauses
Act 1847.

40. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of the water undertaking :

Provided that any telephone or telegraph posts wires conductors or apparatus constructed laid down erected or maintained under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

Provided also that the Corporation shall not construct lay down erect and maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road or bridge or approach belonging to or maintainable by the Great Western Railway Company except with the consent in writing of that company which consent shall not be unreasonably withheld and under the superintendence and to the reasonable satisfaction of the engineer of that company.

Meters in
streets to
measure
water or
detect
waste.

41. 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 stop-cocks 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 :

A.D. 1931.

Provided that the Corporation shall not under the provisions of this section enter upon break up or interfere with the railways canals or works or any electric lines wires or apparatus belonging to or maintained by the Great Western Railway Company or any street belonging to that company without their consent in writing (which shall not be unreasonably withheld) or unreasonably interfere with or render less convenient the access to or exit from any station or depot of that company :

Provided also 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.

42. In addition to the works authorised by this or any previous Act relating to the water undertaking the Corporation may on all or any of the lands for the time being held by them in connection with the water undertaking execute for the purposes thereof or in connection therewith any of the works (other than wells and works for the taking and intercepting of water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847 :

As to powers under section 12 of Waterworks Clauses Act 1847.

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

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

Further powers in relation to water mains.

Provided that the Corporation shall not exercise such powers under over or across any lands or property belonging to a railway company and used for the purposes of their undertaking without the consent of such company which consent shall not be unreasonably withheld and any question which may arise under this section between the Corporation and any railway company shall be

A.D. 1931. referred to arbitration under the Arbitration Act 1889 the arbitrator unless otherwise agreed being appointed by the President of the Institution of Civil Engineers.

Amend-
ment of
section 35
of Water-
works
Clauses
Act 1847.

44. The provisions of section 35 of the Water works Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one tenth part of the expense of providing and laying down pipes mentioned in that section were one eighth part of such expense.

Guarantees
by local
authorities.

45.—(1) A local authority any part of whose district is within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such local authority and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply of water within any part of such district which is within the water limits.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such local authority they may incur expenditure and any such local authority may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

(3) Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate but the provisions of this subsection shall not affect the operation of section 56 (Provisions as to expenses of rural district councils) of the Act of 1929.

As to
supplies of
water in the
Taunton and
Wellington
rural
districts.

46. Notwithstanding anything contained in this Act or the Act of 1900 the following provisions for the protection of the rural district council of Taunton and the rural district council of Wellington (in this section called as the case may require "the rural council") shall apply and have effect unless otherwise agreed

between the rural council and the Corporation (that is to say) :— A.D. 1931.

(1) On the receipt by the Corporation of a request in writing by the rural council for a supply of filtered water in any part of the water limits in their district under the provisions of this section the Corporation shall prepare and submit to the rural council plans and sections of the works and estimates of providing and laying the same which the Corporation consider necessary in order to give the required supply. If in the opinion of the rural council the cost of providing and laying the works shown on such plans and sections is excessive having regard to all the circumstances of the case the rural council within six weeks after the receipt of the said plans sections and estimates may disapprove thereof and should such disapproval not be withdrawn the question of whether or not such cost is excessive shall be determined on the application of either the Corporation or the rural council after notice in writing to the other of them by arbitration as provided by this section :

(2) If the rural council shall approve of the cost of the said works or it shall be determined by arbitration as aforesaid that such cost is not excessive the Corporation shall provide and lay the said works and shall afford thereby such a supply of water as aforesaid and the rural council shall guarantee annually to the Corporation for a period of thirty years from the date of the commencement of the supply of water given by means of the said works such sum as shall be equal to the annual interest and sinking fund payments on the expenditure in respect of the said works as calculated for repayment within thirty years from the date or dates of borrowing the moneys necessary to meet the cost of providing and laying the said works together with a sum of four and one-quarter pounds per centum upon the cost of the said works :

Provided (a) that the rate of such interest shall be the rate of interest charged by the

A.D. 1931.
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Public Works Loan Board to local authorities borrowing money from them at the date of the commencement of the laying of the said works (b) that the annual sum so guaranteed shall not be less than ten pounds per centum upon the amount expended on providing and laying the said works (c) that any revenue received by the Corporation in any year from consumers in respect of supplies of water afforded by means of the said works and any grants received by the Corporation towards the payment of interest on or the repayment of the moneys borrowed in respect of the said works shall be set off against the sum the payment of which in such year is guaranteed by the rural council :

- (3) If any moneys are received by the Corporation towards the capital expenditure upon the said works from any private person or persons or from a Government grant an amount equivalent to the annual interest and sinking fund payments which would be required to pay off such moneys within thirty years from the date or dates of the receipt of such moneys respectively shall be set off against the sum the payment of which in any year is guaranteed by the rural council in respect of the said works :
- (4) If the rural council shall by notice in writing to the Corporation request them so to do the Corporation shall publicly invite tenders for the provision and laying of the said works but the Corporation shall be entitled to determine the specification upon which such tenders are invited and the Corporation shall not be required to accept the lowest or any tender :
- (5) If the cost of the said works shall exceed the cost thereof included in the estimates approved by the rural council or determined by arbitration as aforesaid not to be excessive the rural council shall be entitled to have the question of whether or not the said works have been constructed in an unnecessarily expensive manner determined by arbitration

as provided by this section and if it shall be determined that the actual cost incurred shall not have been excessive the sum to be guaranteed by the rural council shall be paid in accordance with the provisions of subsections (2) and (3) of this section upon the actual expenditure incurred upon the said works. If it shall be determined that the actual cost incurred is excessive the arbitrator shall determine the expenditure in respect of which the guarantee shall be given by the rural council in respect of the said works and the sum so to be guaranteed by the rural council shall be paid in accordance with the provisions of subsections (2) and (3) of this section :

- (6) If it shall be necessary in order to give the supply of filtered water so required to construct new filters the cost of such new filters so far as they are required for the purposes of such supply shall be included in the expenditure upon which the sum to be guaranteed by the rural council shall be based. Any question of whether or not such new filters are required for such purpose or as to the proportion of the expenditure upon such filters which should be included in the sum to be guaranteed by the rural council shall in default of agreement be determined by arbitration in accordance with the provisions of this section :
- (7) So far as may be necessary for the purposes of ascertaining the cost of providing and laying the said works and the revenue or other sums received by the Corporation in respect thereof the Corporation shall at all reasonable times afford to such officials of the rural council as shall be authorised for the purpose access to the books and accounts of the Corporation relating to the water undertaking :
- (8) The rural council shall if required to do so by the Corporation furnish to them a certificate of the rateable value of any premises which

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the Corporation may require for any purpose in connection with the supply of water in the rural council's district :

- (9) The rates to be charged by the Corporation to consumers of water in respect of supplies to premises in the rural districts of Taunton and Wellington which are not supplied by means of works in respect of which a guarantee is being given by the rural council or by any person or persons shall not exceed the rates for the time being charged within the borough in respect of premises of similar rateable value but the Corporation on the written request of the rural council shall charge to consumers of water in respect of supplies to premises in the said rural districts which are supplied by means of works in respect of which a guarantee is being given by the rural council or other person or persons such rates as the rural council in writing may require Provided that the rate charged in respect of premises which are supplied by means of works in respect of which such a guarantee is being given shall in no case exceed the rate authorised by section 9 (Rates for supply of water for domestic purposes) of the Act of 1900 :
- (10) Any question arising under this section between the Corporation and the rural council shall be referred to and determined by a single arbitrator to be appointed failing agreement on the application of either party after notice in writing to the other by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to any such reference and determination.

Charges for
hose-pipes
and re-
frigerating
apparatus.

47.—(1) Where water supplied by the Corporation for domestic purposes is used for horses or for 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 a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding ten shillings per annum as they may

prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for every motor car beyond the first Any sums charged under this subsection shall be in addition to the rates for the time being authorised by or under this Act for the supply of water for domestic purposes and shall be paid and recoverable in all respects with and in the same manner as the said rates.

(2) 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 for 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 any 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.

(3) Where a person who takes a supply of water from the Corporation otherwise than by meter for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

- (i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or
- (ii) be paid for on such other terms as may be agreed between such person and the Corporation :

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

(4) (a) The occupier of any premises on which a hose-pipe is used at the passing of this Act shall forthwith give notice thereof in writing to the Corporation and the occupier of any premises on which a hose-pipe is used

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(b) The occupier of any premises failing to give notice to the Corporation in accordance with the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a penalty not exceeding twenty shillings for every day on which the hose-pipe shall be used on the premises after the notice should have been given.

(c) Notice of the effect of this subsection shall be endorsed on the first demand note served after the passing of this Act upon the occupier of any premises on which a hose-pipe is being used at the passing of this Act and upon the first demand note served upon the occupier of any premises on which a hose-pipe is first used after the passing of this Act.

Price of
supply by
meter.

48. The charge to be made by the Corporation for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons.

Special
terms for
supplies to
caravans
&c.

49.—(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.

(2) The sum so to be paid and the security so to be 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.

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(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Corporation shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the local authority for the district in which the structure is situated objects to the supply being given.

50.—(1) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

As to supply to farm-houses.

(2) If the owner or occupier of any farm premises within the water limits desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Corporation the Corporation shall supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes Provided that the Corporation shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

51.—(1) Any water rate payable to the Corporation may be collected together with the general rate and the same books may be used for the said rates.

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

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

(3) The Corporation may demand water rates and charges both within and beyond the borough by half-yearly instalments in advance on the first day of April

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and the first day of October in every year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

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

(b) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(c) If and so long as the Corporation allow such discount notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

Maintenance
of common
pipe.

52. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation.

Separate
communica-
tion pipes
may be
required.

53.—(1) The Corporation shall not be bound to supply 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.

(2) If the owner of any house or part of a house occupied as a separate tenement and supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of three months 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 the cost incurred by them in so doing from the owner.

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(3) Section 15 (Corporation not bound to supply several houses by one pipe) of the Act of 1900 is hereby repealed.

54.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same 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.

As to communication pipes.

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

55. 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 rates 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

Power to Corporation to repair communication pipes.

A.D. 1931. — of such house or premises (and if the water rates 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.

Corporation
to connect
communica-
tion pipes
with mains.

56. 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.

As to
register of
meters.

57.—(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 rate is charged and sought to be recovered by the Corporation.

(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 used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Corporation.

58. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

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Penalty for interfering with valves &c.

59. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

Penalty for closing valves and apparatus.

60. The Corporation may enter into and carry into effect agreements with any local authority company or person supplying water under parliamentary authority for the purchase of water in bulk by the Corporation for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Corporation for the purposes of the water undertaking.

Purchase of water in bulk.

61. In the exercise of any of the provisions of this Part of this Act in the rural district or the rural district of Wellington the following provision for the protection of the county council shall apply and have effect (that is to say) :—

For protection of Somerset County Council.

Section 30 of the Waterworks Clauses Act 1847 incorporated with this Act shall be read and have effect as if in respect of any street bridge sewer drain or tunnel under the control or management of the county council or of their

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agents on their behalf the period of fourteen clear days were inserted in the said section instead of the period of three clear days therein mentioned and the notice therein mentioned shall be given to the surveyor of the county council and shall be accompanied by the plan referred to in section 31 of the said Act incorporated with this Act.

PART IV.

MARKETS.

Application
of provi-
sions of
Markets and
Fairs Clauses
Act 1847
and repeal
of Taunton
Market
Acts.

62.—(1) From and after the date of the passing of this Act the provisions (incorporated with this Act) of the Markets and Fairs Clauses Act 1847 except the clauses of that Act—

- (a) with respect to the construction of the market or fair and the works connected therewith; and
- (b) with respect to the receipts and expenditure of the undertakers;

shall apply to the market of the Corporation Provided that all tolls leviable by the Corporation in pursuance of this section shall be approved by the Minister Provided also that in the construction of the provisions of the said Act the term "the special Act" includes the Public Health Act 1875 the term "the limits of the special Act" means the borough and the term "the undertakers" means the Corporation.

(2) The limits of the market of the Corporation shall be the borough.

(3) Upon payment by the Corporation to the Official Trustees of Charitable Funds of the sum of fifty pounds the Taunton Town and Market Regulations Acts being the Acts of 9 Geo. III. c. xlv. 57 Geo. III. c. lxxv. 3 Will. IV. c. xlvii. and 3 Vict. c. xliii. shall by virtue of this Act be repealed and thereupon the market undertaking of the Corporation shall be held by them for the benefit of the borough.

(4) The sum paid by the Corporation in pursuance of this section and the income produced by any investments thereof shall be applied in such manner as the Charity Commissioners may by a scheme under their ordinary jurisdiction direct.

(5) Section 50 (Payment to Charity Commissioners) A.D. 1931.
of the Act of 1900 is hereby repealed.

63. No action suit prosecution or other proceeding Actions &c.
whatsoever commenced either by or against the Cor- not to abate.
poration as successors of the trustees appointed by virtue
of the Taunton Town and Market Regulations Acts in
relation to any property right privilege debt liability or
obligation under those Acts shall abate or be discon-
tinued or prejudicially affected by reason of the repeal of
the said Acts but the same shall continue and take effect
either in favour of or against the Corporation in the same
manner in all respects as the same would have continued
and taken effect if the said Acts had not been repealed
and all penalties incurred by reason of any offence against
the provisions of any of the said Acts previously to the
passing of this Act may be sued for and all offences com-
mitted against such provisions previously to the passing
of this Act may be prosecuted by the Corporation in
such and the like manner to all intents and purposes
as such penalties might have been sued for or such
offences prosecuted if the said Acts had not been repealed
and all rents rates and moneys payable to the Corporation
under the said Acts prior to the passing of this Act may
be sued for and recovered by the Corporation in the same
manner in all respects as the same might have been
sued for and recovered by them as successors of the said
trustees.

64. So soon as the Corporation shall have provided Appropriation of
adequate accommodation for persons frequenting the lands.
markets of the Corporation elsewhere than on the land
in this section referred to they may appropriate for the
purpose of a public walk or pleasure ground the triangular
piece of land or any part thereof in the borough con-
taining one thousand four hundred and ninety-nine
square yards or thereabouts bounded on the south by
the existing market buildings of the Corporation and on
the east and west by Fore Street and may lay out plant
improve and maintain such land or any part thereof as a
public walk and pleasure ground and for that purpose
may hold and use the same subject to the provisions of
the Public Health Acts.

65. The Corporation may erect or provide offices Erection of
shops stores warehouses and other tenements or buildings offices shops
in or as part of any market houses market halls or markets &c.

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belonging to them for the purposes of or in connection with any of their markets and their markets undertaking or for any other purposes.

Power to
lease stalls
shops &c.
in markets.

66. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches or other conveniences in their markets or in any market house market hall or market place belonging to them or under their control to any person for any term not exceeding seven years and may grant leases (with a similar right) of any office shop store warehouse tenement cellar or building situate in any of their markets or forming part of or acquired or erected in connection with their markets undertaking including any premises not used for the time being in connection with such markets undertaking to any person for such term as the Corporation may think fit.

Use of
market
place for
public
meetings
&c.

67. The Corporation may permit any market house market hall 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 as a parking place for vehicles or 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 use as they may from time to time determine.

Power to
take
possession
of stalls for
non-
payment of
rent &c.

68. If any tenant stallholder or occupier shall not after any stallages rents or tolls have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market house market hall or market place belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such stallages rents or tolls.

As to
emaciated
or diseased
animals.

69.—(1) The market superintendent any officer of the market the sanitary inspector or any constable may remove or exclude from any market of the Corporation any emaciated or diseased animal which in

the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease. A.D. 1931.

(2) The veterinary inspector appointed by the Corporation under the Diseases of Animals Act 1894 the market superintendent any officer of the market the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the closing of the market on the day upon which such animal is so detained any emaciated or diseased animal brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

70.—(1) Any animal brought to any cattle market of the Corporation at which animals intended for food are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for food within the meaning of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal. Extension of sections 116 to 119 of Public Health Act 1875.

(2) Any person knowingly causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for food to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for food as well as the persons mentioned in section 117 of the Public Health Act 1875 shall be liable to a penalty as mentioned in the said section 117.

71.—(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.

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Prohibition
of noisy
sales in
market.

72.—(1) No person at any stall standing place or elsewhere in any market house market hall or market place of the Corporation shall shout or cry or use any bell gong or other noisy instrument for the purpose of selling or advertising any article or commodity.

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

(3) This section shall not apply to the ringing of a bell to announce an auction sale or on such other occasion as may be authorised by the Corporation.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

Develop-
ment
scheme may
be required
in connec-
tion with
new streets.

73.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (within the meaning of the byelaws of the Corporation with respect to new streets) in the borough the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force from time to time with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(4) (a) Any person aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(5) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

74.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (within the meaning of the byelaws of the Corporation with respect to new streets) within the borough are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or

Adjustment
of bound-
aries of
estates.

A.D. 1931. in default of agreement be determined by arbitration as
— aforesaid Provided that the payment of money by any
such person shall not be made a term or condition of any
award made under this section otherwise than with his
consent.

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

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

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Adjustment
of boun-
daries of
streets.

75.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the borough for the adjustment of the boundary of any such street and for such purpose

may give up to such owner land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section :

Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

(2) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for an adjustment of the boundaries of a street under this section within the period mentioned in the proviso to subsection (1) of this section.

(3) On any such appeal the court may make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(5) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any

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such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

Further
powers as
to future
line of
street.

76.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall

be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1931.

77. The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street. Byelaws as to intersecting streets.

78.—(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 borough without the permission in writing of the Corporation the owner or person responsible for such suspension shall be liable to a penalty 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. Banners and signs over streets.

(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.

A.D. 1931.

(4) Any person aggrieved by any requirement of any notice of the Corporation under this section or the withholding of permission by the Corporation or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within fourteen days after the date of such notice and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

Projecting
signs.

79.—(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 terms and 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. A.D. 1931.

80.—(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 borough 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.

(3) Any consents given by the Corporation to 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.

81.—(1) Where the owner or occupier of any premises fronting or abutting on any street in the borough 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— Crossings for horses or vehicles over footways.

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed 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

A.D. 1931. — such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner as a civil debt.

(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 the said condition shall be liable to a penalty not exceeding five pounds.

(4) 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.

Power to provide tubs for trees &c.

82. The Corporation may provide and maintain in any street (including the footway) in the borough repairable by the inhabitants at large tubs for trees or plants Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

Power to determine width of carriage-ways and footways.

83. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

As to barriers in streets.

84.—(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 across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Corporation may at their own expense construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient and shall make no claim against the county council in respect of any expense so incurred and shall be liable for all damage caused to the road by such sockets or slots. A.D. 1931.

85. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant within the borough or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. Fire alarms &c.

86.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place in the borough at or near to the corner of any street signs indicating the classified road number of the Minister of Transport and the direction or the distance to towns railway stations public buildings and other places of a public character. Direction signs.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give 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.

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

(4) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

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(5) In the exercise of the powers conferred by this section the Corporation shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by such Minister with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

Restrictions
on rights of
breaking up
streets in
borough.

87.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and settlement.

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(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any streets in cases of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

88.—(1) (a) No wall fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street within the borough—

As to
hoardings
and similar
structures.

- (i) Beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) If there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) If there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which

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any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete nor to any wall or fence (not forming part of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to the Great Western Railway Company (so long as such wall or fence is used or held by that company for railway or canal purposes).

As to new
streets.

89.—(1) Any person who lays out a new street or part of a new street in the borough shall if required by the Corporation so to do construct the carriageway and footway of such new street or part of a new street with a sufficient and solid foundation of suitable material to the approval of the Corporation. Provided that 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.

(2) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds.

(3) Section 40 (No buildings allowed until street defined laid out and kerbed) of the Act of 1900 is hereby repealed. A.D. 1931.
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90.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation. As to erection of retaining walls.

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

91.—(1) Every person intending to erect within the borough any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon. Restriction on erection of temporary stands &c.

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

(3) The provisions of this section shall not apply to a travelling showman roundabout proprietor or stallholder (not being a pedlar or hawker).

92.—(1) Where by reason of any improvement made by the Corporation any land shall become land which adjoins or abuts on any street within the borough the following provisions shall apply :— Elevations of buildings erected on front lands to require approval.

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

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(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(ii) If the Corporation within one month after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the elevations.

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

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

(4) Section 47 (Elevation of buildings erected on front land to be subject to approval of Corporation) of the Act of 1900 is hereby repealed.

Further
power to
make bye-
laws as to
new
buildings
&c.

93.—(1) (a) For the purpose of assisting the Corporation in the exercise of the powers conferred upon them by this section a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Chartered Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council:

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(b) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was

nominated The Corporation may pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit. A.D. 1931.

(2) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct—

- (a) a building within the borough (including the reconstruction of an existing building); or
- (b) an addition to an existing building within the borough (including the reconstruction of an existing addition to any such building);

of drawings of the elevations and particulars as to the materials of such building or addition (in this section called collectively "elevations").

(3) Where 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 shall consider that having regard to the general character of the buildings in the borough 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 to which the elevations relate would seriously disfigure the borough whether by reason of the height of the building or addition or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building or addition is considered to be objectionable.

(4) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building or

A.D. 1931. addition is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building or addition.

(5) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (3) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building or addition is considered to be objectionable.

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(6) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Corporation and to the person by whom the elevations were submitted.

(7) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the committee but save as aforesaid the advisory committee shall act by their whole number.

(8) Where the elevations of a building or addition have been disapproved under this section it shall not be lawful to erect the building or addition until the elevations thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(9) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof are payable by the person submitting the elevations they shall be recoverable by the Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the elevations in the like manner.

(10) The provisions of this section shall not apply to a building (not being a dwelling-house showroom or office) belonging to any person or body of persons authorised by virtue of any Act of Parliament or any Order having the force of an Act of Parliament to manufacture gas or to supply electricity or water or to navigate on or use any river canal dock harbour or basin or to demand any tolls or dues in respect of such river canal dock harbour or basin and used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

94.—(1) If the medical officer is of opinion that any building proposed to be erected in the borough would if erected—

Prevention
of obstruc-
tive
buildings.

(a) stop ventilation or otherwise make or conduce to make other buildings in its proximity in a condition unfit for human habitation or dangerous or injurious to health; or

(b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed building should be erected.

(2) The Corporation on receiving any such representation shall cause a report to be made to them respecting the proposed building and on receiving such report shall take into consideration the representation and report and if they decide to proceed shall cause a copy of both the representation and report to be given to the person proposing to erect the building with notice of the time and place appointed by the Corporation for the consideration thereof and such person shall be at liberty to attend and

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state his reasons why the building should be allowed to be erected and after hearing him the Corporation shall either allow the erection of the building or make an order directing that the proposed building shall not be erected.

(3) Any such order prohibiting the erection of an obstructive building shall be subject to appeal in like manner as a demolition order made by a local authority under Part II of the Housing Act 1930.

Dilapidated
and
neglected
buildings.

95.—(1) Where an unoccupied building within the borough is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the neglected structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the

structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repair.

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96.—(1) In case any building within the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Corporation and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection of buildings to greater height than adjoining building.

(2) Any person who shall offend 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.

97.—(1) In the case of any building within the borough which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

As to dangerous buildings.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

[Ch. cii.] *Taunton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.

Area of
habitable
rooms.

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

Byelaws
as to
secondary
means of
access.

99. The power of the Corporation to make byelaws with respect to secondary means of access under section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect within the borough fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

As to
restriction
of air space.

100. Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "space about buildings" had been inserted therein before the words "drainage of buildings" in subsection (2) of that section. Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of such byelaw.

Byelaws
as to
alterations
of buildings.

101. The power given by subsection (4) of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building.

Extension of
section 157
of Public
Health Act
1875.

102. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to

empower the Corporation to make byelaws with respect to— A.D. 1931.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act ;
- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (vi) the testing of drains of new buildings;
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and of the blocking of the pipes therefrom;
- (viii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws.

103.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be altered and construed as if the following sub-paragraphs were added immediately after the sub-paragraph numbered (4) in the said section :—

Further amendment of section 157 of Public Health Act 1875.

“ (5) For requiring work to be done in connection with the alteration whether in use or structure

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of a building or part thereof for securing stability and the prevention of fire and for purposes of health;

“(6) For securing the adequate lighting of buildings.”

(2) The said section 157 shall also in its application to the borough 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.

Means of
escape from
buildings in
case of fire.

104.—(1) Every building erected within the borough after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or boarding-school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided with such portable fire fighting and portable first-aid appliances as the Corporation may require and shall also be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) (a) From and after the first day of July nineteen hundred and thirty-two the Corporation in the case of every building existing at the passing of this Act exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or boarding school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire fighting and first-aid appliances and proper and sufficient means of escape in case of fire from each upper

storey the upper surface of the floor whereof is above twenty feet from the street level for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the appliances and means of escape so required.

(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 twenty-four 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.

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court of Somerset holden in the borough 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.

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

(5) The appliances and means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and (in the case of such means of escape) free from obstruction.

(6) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

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(7) Any person who shall offend 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.

Food
storage
accommoda-
tion.

105.—(1) Every dwelling-house erected within the borough 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 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 borough 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 twenty-four hours' written notice of such appeal and of the ground 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 Somerset holden in the borough 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 under all the circumstances of the case.

106.—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the borough of any cellar or room the floor level of which shall be lower than the highest known level of the sub-soil water on under or adjacent to the land on which such dwelling-house shall be erected.

A.D. 1931.
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Cellars not
to be
constructed
below
sub-soil
water level.

(2) Any person offending against any prohibition of the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

Prohibition
of tents
vans &c.

(b) It shall not be lawful for any person without the previous consent 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 and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent 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 and such court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to a tent van shed or similar structure unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months nor to a tent van or similar structure used for human habitation by a roundabout proprietor or travelling showman or by a travelling stallholder (not being a pedlar or hawker).

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

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Further provisions as to sanitary conveniences.

108.—(1) The owner of two or more sanitary conveniences within the borough provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to and maintained on the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Closet accommodation in houses occupied by more than one family.

109.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house within the borough occupied by a separate family as it applies to the whole of a house.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws) of the Housing Act 1925 as amended by the Housing Act 1930 shall apply with any necessary modifications as if the same were set out in this section.

Combined drains.

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

in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

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

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

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

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

Houses connected with single private drain.

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(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

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

Improper construction or repair of watercloset or drain.

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

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

As to defective drains &c.

113.—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain watercloset or soil-pipe within the borough is stopped up or otherwise defective the medical officer or the sanitary inspector shall give notice to the owner or occupier of the premises concerned to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by

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

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114. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

As to repair
of drains.

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

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

Wilful
damage to
drains
water-
closets &c.

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

116. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the

Powers on
inspection.

A.D. 1931. — surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Sanitary
con-
veniences
for work-
men engaged
on buildings.

117.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

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

Amendment
of section 62
of Public
Health Act
1875.

118. Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

Penalty for
throwing
rubbish into
streams.

119. 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 or watercourse within the borough so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds.

Saving for
railway
companies.

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

- " Banners and signs over streets "
- " As to pavement lights "
- " Crossings for horses or vehicles over footways "
- " Direction signs "
- " As to hoardings and similar structures "
- " Restriction on erection of temporary stands &c. "
- " Dilapidated and neglected buildings "
- " Means of escape from buildings in case of fire "
- " Prohibition of tents vans &c. "
- " Powers on inspection "

shall extend or apply to any building (not being a dwelling-house) railway canal or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway canal work or land is used or held by such company primarily for railway or canal purposes.

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PART VI.

INFECTIOUS DISEASE AND SANITARY MATTERS.

121. For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to close Sunday schools and exclude children from entertainments" and "Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails" respectively the expression "infectious disease" includes measles german measles whooping cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

Definition for purposes of this Part of Act.

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

Parents to notify infectious disease.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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(2) For the purpose of this section the expression "school" shall include a Sunday school.

Power to close Sunday schools and exclude children from entertainments.

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

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

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

124.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof within the borough which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or the school medical officer of the Corporation shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer or such school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Information to be furnished in

125.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from

an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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—
case of
infectious
disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

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

Names of
laundrymen
to be
furnished.

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

127. The provisions of Part I of the Children Act 1908 shall apply in the borough to and in respect of children under the age of nine years as if they were infants under the age of seven years to and in respect of which that Act applies.

As to
application
of Children
Act 1908.

128.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) within the borough would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner

Disinfection
in case of
tuberculosis.

A.D. 1931. — or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the direction of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the direction of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out 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 medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner or person in possession of any household or other article book thing bedding or clothing which has been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause any such article book thing bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection

or (if in the opinion of the medical officer it is impossible to disinfect properly any such article book thing bedding or clothing) for destruction and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Any such article book thing bedding or clothing shall be disinfected or (if in the opinion of the medical officer it is impossible to disinfect properly any such article book thing bedding or clothing) destroyed by the Corporation and if disinfected shall be returned to the person from whom they were taken free of charge.

(3) If any such article is so destroyed or if any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

129.—(1) Any—

- (a) person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough; and
- (b) premises within the borough used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

Registration
of ice-cream
manufac-
turers and
premises.

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the borough carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises within the borough shall be used for the purposes aforesaid unless they be so registered.

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

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(4) The provisions of this section shall not apply to the sale of ice-cream in theatres music halls or cinemas.

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

130.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough 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 other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(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 behalf may seize and destroy all ice-cream or similar commodity 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 similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity 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 or other similar commodity 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 other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) 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.

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

Byelaws as to transport of food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company of any article intended for food the Corporation shall give notice to the company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

132.—(1) Any premises within the borough used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

Registration of premises used for preparation of potted and preserved foods.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or

A.D. 1931. — workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

Further powers in relation to unsound food.

133. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly. Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section the medical officer or the sanitary inspector shall conform to such reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to any such company the powers conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by any such company.

Byelaws as to inspection of meat.

134.—(1) The Corporation may make and enforce byelaws for preventing meat or any part of the carcass of an animal brought into the borough 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.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcass 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 borough but within a circle having a radius of ten miles from the municipal buildings of the borough for the purpose of inspecting any carcass or any part thereof intended for sale or consumption in the borough.

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(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the Taunton Master Butchers' Association and to the Somerset 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.

135. Section 90 (Local Government Board may empower local authority to make byelaws as to lodging-houses) of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

Byelaws
as to
lodging-
houses.

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof;

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

136.—(1) If the owner of any dwelling-house or premises occupied therewith within the borough represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition an officer of the Corporation

As to filthy
premises.

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duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

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

Regulation
dustbins.

137.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the borough to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided any dustbin pursuant to this section shall maintain the same in good order and condition.

(3) Provided that the foregoing provisions of this section shall not apply to any covered ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

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

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to

a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

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(6) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Corporation do not remove the refuse.

138.—(1) In any case in which premises in the borough are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required by the Corporation after six months' notice in writing under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

Discontinu-
ance of
offensive
trade.

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of the said section of this Act shall apply accordingly with respect to such opinion as well as to any requirement by the Corporation under this subsection.

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation Provided that this subsection shall not apply in the case of any premises

A.D. 1931. — with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

Byelaws as to refuse.

139. The power of the Corporation to make byelaws under section 26 (Power to make byelaws for certain sanitary purposes) of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid.

Byelaws as to stables.

140. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable within the borough (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected within the borough after the passing of this Act.

As to infected stables or other places.

141.—(1) Where the veterinary surgeon of the Corporation has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as the court may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

(3) In this section the expression "the veterinary surgeon of the Corporation" means a veterinary inspector appointed by the Corporation under the Diseases of Animals Act 1894.

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

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

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

143.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

Power to close slaughter-houses if injurious to public health.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the

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ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for every offence to a penalty not exceeding five pounds.

Power to
purchase
slaughter-
houses.

144.—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses.

(2) The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act.

145.—(1) The provisions of section 169 (Power to provide slaughter-houses) of the Public Health Act 1875 shall be extended so as to empower the Corporation in connection with any slaughter-houses provided by them in pursuance of the said section to erect and maintain furnish fit up and equip all necessary buildings pens yards railway sidings works and conveniences approaches buildings stalls standings and other accommodation and to use the same for the purposes of the said slaughter-houses and any other purposes in connection with the markets undertaking of the Corporation.

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Extension
of section
169 of
Public
Health
Act 1875.

(2) The Corporation may lease for such period let or otherwise permit the use of in such manner and for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughter-houses or lairages erected by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

PART VII.

COMMON LODGING-HOUSES.

146. No house or part of a house within the borough 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.

147.—(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—

Power to
refuse
registration.

(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.

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(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.

148. Section 80 (Byelaws to be made by local authority) 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.

149.—(1) Section 69 (Discretion as to registration of lodging-house keeper) of the Public Health Acts Amendment Act 1907 shall in its application to the borough 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.

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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.

150. 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 borough.

Notice of provisions of this Part of Act.

PART VIII.

TOWN PLANNING.

151. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the borough notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as “the Act of 1925”) shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Power to make town planning schemes with reference to developed lands.

152. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include—

Purposes for which land may be purchased for town planning schemes under this Part of Act.

(a) the purpose of improving and developing frontages to and developing lands abutting on or adjacent to any new street or any widening of an existing street; and

(b) the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development

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in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement.

As to properties of which parts only are required for town planning schemes.

153.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory of which the Corporation have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as “the arbitrator”) shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

(2) If the arbitrator determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the arbitrator.

(3) If the arbitrator determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other

person as aforesaid be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this section shall be borne and paid by such owner or other person.

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(4) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

154. The provisions of paragraph 2 of Part II of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Act except in so far as they relate to any land which has been acquired by any company for the purposes of a railway dock or canal but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or has been acquired by any company body or person for the purposes of a water or other public undertaking without the consent of such local authority company body or person but such consent shall not be unreasonably withheld and any question whether or not such

Restriction
on rights of
purchase
in certain
cases.

A.D. 1931. — consent has been unreasonably withheld shall be determined by the Minister.

Limitation
on require-
ments under
scheme.

155.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

- (a) to require the demolition removal or alteration of any building existing at the date of the passing of the resolution of the council to prepare or adopt the scheme or of which the erection was commenced before that date; or
- (b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose;

unless and until the scheme is brought into operation for the purpose in question referred to in the said paragraphs (a) and (b) by an order of the Corporation approved by the Minister and where an order is so made the provisions of subsection (2) of section 11 of the Act of 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Minister for approval of an order under this section the Corporation shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners may make to them within such period (not being less than one month) as may be specified for that purpose in the order

and may make such modifications in the order as they think necessary in consequence of any such representations. A.D. 1931.

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners a copy of the order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

156. Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under this Part of this Act relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made by the Minister under the Act of 1925 or any Act repealed thereby to be given by the Corporation in connection with the preparation of the said scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Corporation to serve a copy of any of such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company :

Registration
of ownership
of land and
service of
notices.

Provided that in any notice advertised by the Corporation pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

157. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of ownership of land and service of notices" the word "owner" has the same meaning as in the Lands Clauses Acts.

Definition of
"owner"
for certain
purposes.

PART IX.

POLICE.

158. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed

Power
to make
regulations
as to traffic

A.D. 1931. for ceremonies public processions rejoicings fairs exhibi-
on carnival tions carnivals races sports illuminations or similar
&c. days. occasions to direct the passage and stoppage of vehicles
along or in particular streets to direct particular routes
to be taken for particular descriptions of traffic and to
prohibit the passage or stoppage of particular vehicles
through or in certain streets at certain hours.

As to
vehicular
traffic
through
Castle Bow.

159.—(1) The Corporation may if they think fit prohibit the passing of vehicles through Castle Bow in the borough or may permit the passing of vehicles through Castle Bow subject to such conditions and restrictions as they may think fit and may from time to time vary any such conditions or restrictions.

(2) Any person driving a vehicle through Castle Bow in contravention of any prohibition condition or restriction imposed by the Corporation shall be liable to a penalty not exceeding five pounds for every such offence.

Byelaws as
to leading
or driving
cattle.

160. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prohibiting animals from being led or driven along such streets of the borough as may be specified in such byelaws and for prescribing the hours during which and the manner according to which animals may be led or driven along any streets in the borough :

Provided that the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid :

Provided also that no such byelaw shall prevent the owner of any animal driving the same to his own premises :

Provided further than no byelaw made under the provisions of this section shall be of any effect if and so far as it conflicts with any direction for the time

being contained in the highway code issued by the Minister of Transport in pursuance of the provisions of section 45 of the Road Traffic Act 1930. A.D. 1931.
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161. The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles, tricycles or other similar vehicles on the footpaths in the borough known as Chip Lane Obridge Path Hammet's Walk and Castle Walk or on any other footpaths in the borough specified and defined in such byelaws. Byelaws as to bicycles &c. on certain footpaths.

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

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in such byelaws ;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire ;
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages appointed by the Corporation or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made :

Provided that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the driver or conductor of such vehicle.

163. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation as that section extends to byelaws so made. Evidence of regulations made by Corporation.

A.D. 1931.

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Notice of
processions
to be given.

164.—(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 borough (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 office of the town clerk 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 borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Noise
nuisance.

165.—(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.

Ejection of
steam and
waste gas to
annoyance
of public.

166.—(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. A.D. 1931.

(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.

167.—(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 :

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.

PART X.

ELECTRICITY.

168. Subject to the provisions incorporated with the Taunton Electricity Orders 1893 and 1925 the Corporation are specially authorised by this Act to break up the roadways on the following bridges and Power to break up roadways on bridges &c.

A.D. 1931. the approaches thereto in the parish of West Monkton in the rural district of Taunton in the county :—

The bridges carrying the Taunton and Bridgwater county road over (1) the tail water of Bathpool Mill (2) the new cut of the river Tone (3) the old river Tone (4) the Bristol and Exeter railway of the Great Western Railway Company and (5) the Bridgwater and Taunton Canal.

Agreements for supply of electricity.

169. Notwithstanding anything in any Act or Order relating to the Corporation or their electricity undertaking the Corporation on the one hand and any authority company body or person to whom the Corporation are authorised to supply electricity (other than authorised distributors) on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Supply to premises partly without electricity limits.

170. The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if such premises were wholly within such limits.

Power to construct electrical substations under streets.

171. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may (with the consent of the road authority) in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain substations and transforming stations in connection with the electricity undertaking of the Corporation and may in any such street as aforesaid provide and maintain all such means of access and approach to such substations and transforming stations as may be necessary or convenient Provided that the consent of the road authority shall not be

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unreasonably withheld and any question which may arise as to whether or not such consent has been unreasonably withheld shall be referred to and settled by a single arbitrator to be agreed upon between the parties to the dispute and failing such agreement to be appointed on the application of either party after notice to the other by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory amendment thereof shall apply to the reference. Provided also that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such substations and transforming stations subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

Provided also that the Corporation shall not construct any such substation or transforming station (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld or (b) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

Any question which may arise as to whether or not any consent under (a) of this proviso has been unreasonably withheld shall be referred to and determined by a single arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to any such reference.

172. The Corporation may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any street laid out or made and whether dedicated to the public use or not supply such premises with electrical energy and may lay down take up alter relay or renew

Power to lay electric mains in private streets.

A.D. 1931. — in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply *mutatis mutandis* to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section :

Provided that the powers of this section shall not be exercised in regard to any street or road belonging to the Great Western Railway Company except with the consent of that company which consent shall not be unreasonably withheld nor shall the Corporation in carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street or road.

Further powers as to entry upon premises.

173.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking of the Corporation or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

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

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in either of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1931.

(4) The provisions of this section empowering the Corporation to cut off and disconnect the supply of electricity shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by the Great Western Railway Company for the purposes of their railways or canals or forming part of any station or goods depot of that company.

174.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882. As to maximum power which may be demanded.

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

175. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire purchase terms which the Corporation are under obligation to maintain remains Power to cut off supplies where charges &c. not wholly paid.

A.D. 1931. — unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Use for
lighting
purposes of
electricity
supplied for
power.

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

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

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

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

As to use of
trans-
formers.

177. 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 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.

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

Period of error in defective meters.

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

179. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Power to recover cost of cutting off supplies.

180.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall be sufficient if it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the electricity undertaking of the Corporation.

Notice to discontinue supply of electricity.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

181.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

Provisions as to supply of electricity by agreement.

(a) the Corporation may if they think fit discontinue to supply electricity to such consumer;

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—

- (b) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may be for the time being charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and
- (c) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—
- (i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and
- (ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (b):

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

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 (Penalty for failure to supply) of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity

supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions. A.D. 1931.

182.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity to any building or premises in which such byelaws are not complied with. Byelaws as to apparatus and fittings.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway of any railway company or any station or depot of any railway company adjoining their railway or railway sidings.

183.—(1) The Corporation and any local authority company body or person authorised by Act of Parliament or Order confirmed by Parliament or by a Special Order under the Electricity (Supply) Act 1919 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Corporation beyond the electricity limits to any such local authority company body or person or by any such local authority company body or person to the Corporation of electricity in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract to lay any mains or electric lines or to interfere with any street outside the limits of such party for the supply of electricity. Contracts for supply of electricity in bulk.

(2) Any contract entered into under the provisions of this section shall be submitted to the Electricity Commissioners for their approval.

A.D. 1931.
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Receipts
and
expenses.

184.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Corporation and shall be applicable accordingly.

PART XI.

EXTENSION OF BOUNDARIES.

Commencement.

Commence-
ment of this
Part of Act.

185. Save as otherwise expressly provided this Part of this Act shall come into operation on the appointed day :

Provided that for the purposes of—

- (a) the alteration or re-arrangement of any register of electors made under the Representation of the People Acts;
- (b) all proceedings preliminary or relating to any election to be held in the year nineteen hundred and thirty-two for any area affected by this Part of this Act; and
- (c) the preparation of any precept or contribution order to be issued or made on or after the appointed day;

this Part of this Act shall operate from the date of the passing of this Act.

Alteration of Borough and Parishes.

Extension
of borough.

186.—(1) The boundary of the existing borough the area whereof is coloured blue on the borough map shall be altered so as to include in addition to that area so much of the rural district in the county as includes the added part of St. Mary Magdalen Without the added part of West Monkton the added part of St. James Without and the added part of Staplegrove.

(2) The boundary of the borough shall be that shown by the inner edge of the purple line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough.

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

Borough
and ward
maps.

(2) Copies of or extracts from the borough map and the ward map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of such maps respectively so far as they relate respectively to the boundary of any area altered by this Part of this Act or to any ward of the existing borough altered by this Part of this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

188.—(1) The added part of St. Mary Magdalen Without the added part of West Monkton the added part of St. James Without and the added part of Staplegrove shall be deemed to form part of the parish of Taunton.

Alteration
of parishes.

(2) The part of the existing parish of St. James Without not included within the borough shall be

A.D. 1931. transferred to and form part of the parish of Cheddon Fitzpaine in the rural district and the part of the existing parish of St. Mary Magdalen Without not included within the borough shall be transferred to and form part of the parish of Stoke St. Mary in the rural district.

(3) The existing parishes of West Monkton and Staplegrove as diminished by this Part of this Act shall continue as separate parishes with those respective names.

Continuing
Taunton
Rural
District
Council.

189.—(1) The rural council shall be reduced by two but shall as provided by this section continue and shall be deemed to be elected for and shall be the rural district council for the rural district as diminished by this Part of this Act.

(2) The persons who immediately before the appointed day are the rural district councillors elected to represent the existing parishes of Cheddon Fitzpaine and Stoke St. Mary respectively on the rural council shall continue to hold office for those parishes respectively as altered by this Part of this Act.

(3) (a) The persons who immediately before the appointed day are the rural district councillors elected to represent the existing parishes of St. James Without and St. Mary Magdalen Without respectively shall at the appointed day cease to hold those offices.

(b) If between the passing of this Act and the appointed day any casual vacancy shall occur in the office of rural district councillor for either of the said parishes the vacancy shall not be filled.

(4) The persons who immediately before the appointed day are the rural district councillors elected to represent the existing parishes of West Monkton and Staplegrove respectively on the rural council shall continue to hold office for those parishes respectively as diminished by this Part of this Act.

Municipal
wards alder-
men and
councillors.

190. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the boundaries of wards the following provisions shall have effect :—

(a) The number of councillors and aldermen of the borough shall be unaltered;

- (b) For the purposes of the election of councillors the borough shall be divided into six wards; A.D. 1931.
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- (c) The added part of St. Mary Magdalen Without and so much of the added part of West Monkton as is coloured red on the ward map shall be included in the Trinity ward of the borough;
- (d) So much of the added part of West Monkton as is coloured blue on the ward map shall be included in the Priory ward of the borough;
- (e) The added part of St. James Without shall be included in the Rowbarton ward of the borough;
- (f) The added part of Staplegrove shall be included in the Staplegrove ward of the borough;

and the councillors representing the said wards respectively immediately before the appointed day shall be deemed on and after that day to represent the said wards as respectively altered by this section.

Provisions Consequent on Extension.

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

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

193.—(1) Each of the added areas shall be separated from the county electoral division of which it forms part. County electoral divisions.

(2) Those portions of the added areas which are respectively included in the Trinity and Priory wards of the existing borough in accordance with the foregoing provisions of this Part of this Act shall be included in the East division of the borough for the purposes of

A.D. 1931. — the election of county councillors and those portions of the added areas which are respectively included in the Rowbarton and Staplegrove wards of the existing borough in accordance with such provisions shall be included in the North division of the borough for those purposes.

(3) The persons who immediately before the appointed day are the county councillors respectively representing the existing Bishops Lydeard North Curry and Pitminster electoral divisions of the county and the existing West East and North divisions of the borough shall be deemed to be elected to represent those divisions respectively and shall retire on the day on which they would respectively have retired if this Act had not been passed.

Jurisdiction
powers and
duties of
justices
extended.

194. The powers and duties of the justices of the peace appointed for the existing borough and of the clerk to those justices shall extend to and apply throughout the borough :

Provided that—

- (a) every person committing an offence in any of the added areas prior to the appointed day shall be tried and dealt with as if this Part of this Act had not been passed ;
- (b) every proceeding which prior to the appointed day has been begun or is pending before any justice in relation to any matter arising in or concerning any of the added areas may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Part of this Act had not been passed.

Borough
auditors.

195. The auditors of the existing borough who are in office on the appointed day shall continue in office and shall be the borough auditors until the ordinary day of election of borough auditors.

Corporation
property
liabilities
&c.

196. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing borough (not being property held on any charitable trust) shall by virtue of this Part of this Act be held by the Corporation for the benefit of the

borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing borough shall on and after that day attach to them in respect of the borough.

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

Mortgage
debts of
Corporation.

(2) All borrowed moneys to which this section applies with the interest thereon shall be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

198. The rural council shall cease to exercise any powers or discharge any duties within any part of the added areas.

Powers of
district
council.

199. Subject to the provisions of this Part of this Act and to any necessary adjustments—

Property
&c. of rural
council.

(1) any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to any portion of the added areas shall by virtue of this Part of this Act be transferred to and vest in or attach to the Corporation as the urban authority for the execution of the Public Health Acts;

(2) any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation to any portion of the added areas conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

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As to parish
councils
and parish
meetings.

200.—(1) The parish councils of the existing parishes of West Monkton and Staplegrove shall cease to exercise any powers or discharge any duties within any part of the added areas.

(2) On and from the appointed day the parish councils of the existing parishes of West Monkton and Staplegrove and the parish meetings of the parishes of Cheddon Fitzpaine and Stoke St. Mary shall be deemed to have been elected and shall be the respective parish councils and parish meetings of those parishes respectively as altered by this Part of this Act.

Powers
property &c.
of parish
councils
and parish
meetings.

201. Subject to the provisions of this Part of this Act—

(1) Any powers and duties vested in or imposed on the parish councils of the existing parishes of West Monkton and Staplegrove or the parish meetings of the existing parishes of St. James Without and St. Mary Magdalen Without in relation exclusively to the added areas or any part thereof shall be vested in and imposed on the Corporation :

(2) Any property or liabilities held or incurred by any of the parish councils or parish meetings as aforesaid or any representative body constituted by article 7 of the Overseers Order 1927 in relation exclusively to the added areas or any part thereof shall by virtue of this Part of this Act be transferred to and vest in or attach to the Corporation :

(3) Any property or liabilities held or incurred by any of the parish councils or parish meetings or any representative body as aforesaid in relation to the added areas or to the parts of the existing parishes of St. James Without and St. Mary Magdalen Without not included within the borough or any portion thereof conjointly with any other area shall if necessary be a matter for adjustment under section 62 of the Act of 1888 :

(4) Any powers duties property and liabilities vested in imposed on or held or incurred by the parish meetings or any representative body

as aforesaid in relation exclusively to the parts of the existing parishes of St. James Without and St. Mary Magdalen Without not included within the borough or any parts thereof shall by virtue of this Part of this Act be vested in imposed on and attach to the parish meetings of Cheddon Fitzpaine and Stoke St. Mary respectively.

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202. All the powers duties and liabilities of an urban authority and all the powers in relation to the chargeability of expenses with which the rural council are invested in pursuance of any order made by the Local Government Board or the Minister under the Public Health Acts 1875 to 1925 in respect of any existing parish which is altered but not abolished by this Act shall be deemed to vest in and attach to the rural council in respect of that parish as so altered.

Urban
powers &c.
in excluded
parts of
parishes.

203.—(1) The County of Somerset (Assessment Areas and Assessment Committees) Scheme 1926 shall have effect as if for reference to the existing borough and the existing rural district there were substituted references to the borough and the rural district as altered by this Part of this Act.

Assessment
committee.

(2) Any person who immediately before the appointed day represents the existing borough or the existing rural district on the Taunton area assessment committee shall be deemed to have been appointed to represent the borough or the rural district as altered by this Part of this Act (as the case may require) on that committee.

204.—(1) The administrative scheme for the county of Somerset under the Act of 1929 (Part I—Poor Law) as approved by the Minister of Health on the fourth day of November nineteen hundred and twenty-nine shall have effect as if for references to the existing borough and the existing rural district there were substituted references to the borough and the rural district as altered by this Part of this Act.

Guardians'
committee.

(2) Any person who immediately before the appointed day represents the existing borough or the existing rural district on the Taunton area guardians' committee shall be deemed to have been appointed to

[Ch. cii.] *Taunton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931. — represent the borough or the rural district as altered by this Part of this Act (as the case may require) on that committee.

Local Acts. **205.**—(1) Subject to the provisions of this Part of this Act the unrepealed provisions of the local Acts and of any other local Act or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough on the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective section for the benefit of the county council or the rural council (or the predecessors of any such council) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added areas and the jurisdiction with regard to which matters is transferred to the Corporation enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to such council or their predecessors, as the case may be.

Adoptive
Acts.

206.—(1) The provisions of—

- (a) The Baths and Washhouses Acts 1846 to 1925;
- (b) The Infectious Disease (Prevention) Act 1890;
- (c) The Public Health Acts Amendment Act 1890;
- (d) The Private Street Works Act 1892;
- (e) The Public Libraries Acts 1892 to 1919;
- (f) The Notification of Births Act 1907; and
- (g) Parts II III IV and V of the Public Health Act 1925;

shall be in force within and apply to the borough.

(2) The provisions of any adoptive Act in force in any part of the added areas immediately before the appointed day shall subject to the provisions of this section cease to be in force within and apply to such part of the added areas.

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

207. For the purposes of the Notification of Births Acts 1907 and 1915 and the Maternity and Child Welfare Act 1918 the Corporation shall be the local authority for the borough.

Corporation to be local authority for certain Acts.

208. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders under Shop Hours Act 1904 or Shops Acts 1912 to 1928.

209. An order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Part of this Act as if this Act had not been passed.

Orders under section 33 of Act of 1894.

210. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925:—

Orders under Public Health Acts Amendment Act 1907 or Public Health Act 1925.

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such parts or sections were accordingly declared to be in force within the borough:

(2) Any other order under either of those Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas:

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- (3) The provisions of any order made before the appointed day and declaring to be in force within any part of the added areas any parts or sections of either of those Acts shall cease to apply to such part of the added areas and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force within such part of the added areas but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Byelaws
regulations
and scales
of charges.

211.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within any part of the added areas immediately before the appointed day shall—

- (a) If made before the first day of January nineteen hundred and twenty continue to apply to the existing borough or to such part of the added areas as the case may be for three years after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of three years cease to be in force within the borough;
- (b) If made on or after the first day of January nineteen hundred and twenty continue to apply to the existing borough or to such part of the added areas as the case may be until repealed or altered by the Corporation.

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

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

(4) All other byelaws made by the Corporation and in force immediately before the appointed day shall apply to the borough until repealed or altered and all byelaws made by the county council or the standing joint committee of the county shall on that day cease to apply within the added areas. A.D. 1931.

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

(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

212.—(1) The area of the Taunton Joint Burial Committee shall be altered by the exclusion therefrom of the part of the existing parish of St. James Without added to the existing parish of Cheddon Fitzpaine and the part of the existing parish of St. Mary Magdalen Without added to the existing parish of Stoke St. Mary and by the inclusion in such area of the added parts of Staplegrove and West Monkton and the Burial Acts 1852 to 1906 shall be in force throughout the area of the Taunton Joint Burial Committee as altered by this section as if those Acts had been adopted for that area. Taunton
Joint Burial
Committee.

(2) The representatives of the existing parishes of St. James Without and St. Mary Magdalen Without on the said committee shall cease to hold office.

(3) Nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet grave-stone or inscription which any person may have acquired prior to the appointed day or might thereafter have acquired if this Act had not been passed or prejudicially affect any right privilege or authority which immediately prior to the appointed day is exerciseable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

A.D. 1931.

(4) The inhabitants of the parts of the existing parishes of St. James Without and St. Mary Magdalen Without which are excluded from the area of the Taunton Joint Burial Committee shall be entitled to use all the cemeteries for the time being of the Taunton Joint Burial Committee at the same fees and charges and under the same regulations as for the time being are applicable to the inhabitants of the borough.

Officers.

Meaning of
"local
authority"
and
"officer" in
certain
sections of
this Part of
this Act.

213. In the sections of this Part of this Act relating to compensation to officers unless the context otherwise requires—

"Local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county;

"Officer" includes a servant and any person whose salary or wages is paid by a local authority.

Officers of
Corporation
continued.

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

Compensa-
tion to
existing
officers.

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

(2) Any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Part of this Act.

216.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Part of this Act regard shall be had to the conditions and circumstances mentioned in the Eighth Schedule to the Act of 1929 and the compensation shall not exceed the limit therein mentioned.

A.D. 1931.
—
Determina-
tion of com-
pensation.

(2) Any compensation payable under this Part of this Act to any officer shall be paid out of the general rate fund and the provisions of the said schedule (except paragraph 11 thereof) shall apply subject to the following and any other necessary modifications :—

- (a) Any reference in that schedule to the council shall be construed as a reference to the Corporation ;
- (b) Any reference in that schedule to the appointed day shall be construed as a reference to the appointed day as defined in this Act.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors' book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purposes of compensation.

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

Compensa-
tion and
super-
annuation.

Supplementary Provisions.

218.—(1) The parish meetings of the existing parishes of St. James Without and St. Mary Magdalen Without shall liquidate so far as practicable before the appointed day all current debts and liabilities incurred by them.

Liquidation
of current
debts and
liabilities.

(2) If default is made by either of the said parish meetings in complying with the requirement of subsection (1) of this section—

- (a) (i) The Corporation over the area of such portion of the borough as is co-terminous with the part of the existing parish of the parish meeting in default ; and

A.D. 1931.

(ii) the parish meeting of the parish to which the other part of the existing parish concerned is transferred over the area of such portion of the first-mentioned parish as is co-terminous with the part of the parish of the parish meeting in default;

may in accordance with subsection (5) of section 2 of the Rating and Valuation Act 1925 make and levy as an additional item of the general rate such amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the parish meeting in default;

(b) Any such additional item of the general rate may be made retrospectively to raise money for the payment of charges and expenses incurred by the parish meeting in default at any time within one year before the appointed day.

Deduction
in ascertain-
ing rateable
value of
tithes
railways &c.

219. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing borough and such adjustments of the value of those hereditaments in the added areas shall be made by the Corporation as may be necessary to give effect to the provisions of this section.

Valuation
lists.

220.—(1) The valuation list of the existing borough and the portion of the valuation list of the rural district modified where necessary in order to give effect to the preceding section which relates to hereditaments within the added areas shall together form the valuation list of the borough as from the appointed day.

(2) The remaining portion of the valuation list of the rural district shall be the valuation list of that district as from the appointed day.

221.—(1) Subject to the provisions of this section where in consequence of any alteration of areas or authorities made by this Part of this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 62 of the Act of 1888 and that section shall apply to any such adjustment subject to the following modifications :—

A.D. 1931.
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Provision
for adjust-
ments.

- (a) As if in subsections (5) (6) and (7) of that section the expression “ council ” included any authority affected by this Part of this Act or by anything done in pursuance of this Part of this Act ;
- (b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in subsection (6) of the section that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction ;
- (c) As if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section ; and
- (d) As if the following subsection were added to the section :—

“ (8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part only of a rating area the agreement or award may authorise such rate to be levied in that part as an additional item of the general rate.”

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act.

A.D. 1931.

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Adjustment
as to
properties.

222. In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Part of this Act regard shall be had to the interest or share (if any) of the added areas or any part thereof in any property—

(a) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or

(b) which was prior to the appointed day subject to beneficial user by the inhabitants of the added areas or any part thereof; or

(c) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

Provisions
as to
register of
electors.

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

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

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

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

(2) The additional expenses (if any) solely occasioned by any alteration or re-arrangement of the register authorised by subsection (1) of this section shall be borne by the Corporation.

(3) It shall be the duty of the town clerk and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the rural council for the performance of the duties of overseers in relation to the preparation of the register of electors to render

such assistance as may be required by any registration officer for the purpose of any alteration or re-arrangement authorised by subsection (1) of this section.

A.D. 1931.
—

(4) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this section and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

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

Jury service.

225.—(1) Within fourteen days after the appointed day—

Local land charges registers.

(a) The local registrar for the county shall supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the added areas and to charges which on the appointed day become borough charges;

(b) The local registrar for the rural district shall supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the added areas.

The local registrar supplying such office copy shall be entitled to be paid by the Corporation such fees as are prescribed by the rules made under the Land Charges Act 1925.

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

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

(a) The local registrar for the borough shall give notice to any person desiring to make a personal

A.D. 1931.

search that an additional search should be made in the register for the rural district and in the register for the county;

- (b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application;
- (c) The local registrar for the rural district and the local registrar for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Part of this Act had not been passed;
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrars for the county and the rural district in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation.

(4) Where a local land charge duly registered in the local land charges register of the county or the rural district is in pursuance of this Part of this Act transferred from the register of such county or rural district to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

Town
planning.

226. Any proceeding taken by any authority under the Town Planning Act 1925 or any enactment thereby repealed (including any agreement order approval consent or notice under that Act or repealed enactment) shall in so far as it relates to land within the added areas have effect as if it had been taken by the Corporation in respect of that land.

227.—(1) As soon as practicable after the appointed day the county council as regards any cash balances in their hands at the appointed day raised to meet expenditure on elementary education and the rural council as regards any cash balances in their hands at the appointed day shall estimate the proportion thereof derived from contributions paid by any part of the added areas and subject to a deduction on account of undischarged liabilities in respect of such part of the added areas accruing up to the appointed day shall transfer such amount to the Corporation.

A.D. 1931.
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Apportionment of balances and sums received under precepts.

(2) Any sum received after the appointed day under a precept relating to elementary education by the county council or by the rural council under a precept issued or rate made before that day in respect of any part of the added areas shall be dealt with in the manner prescribed by subsection (1) of this section.

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

228.—(1) Notwithstanding the alteration of area effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Part of this Act had not been passed.

Contribution orders precepts and arrears of rates.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added areas shall be collected and recovered by the Corporation.

(3) Any rates so collected and recovered shall be a matter for adjustment under section 62 of the Act of 1888.

229.—(1) The accounts of the parish meetings of the existing parishes of St. James Without and St. Mary Magdalen Without shall be made up to the appointed day and shall be audited by the district auditor in the manner and subject to the like incidents and consequences as if this Act had not been passed.

Audit of accounts of parish meetings.

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

A.D. 1931.

(3) This section shall apply to the accounts of any committee or officer of any of the authorities herein mentioned as it applies to the accounts of the authorities.

Parish
books and
documents.

230.—(1) All books and documents belonging to the existing parishes of St. James Without and St. Mary Magdalen Without and all documents directed by law to be kept with the public books writings and papers of those existing parishes (except any book or document relating to ecclesiastical matters) shall be deposited respectively in the custody of the persons respectively having the custody of books and documents belonging to the existing parishes of Cheddon Fitzpaine and Stoke St. Mary.

(2) Any ratepayer of any existing parish which is altered by this Part of this Act shall at all times have the same right of inspection and of making extracts from the books and documents of that existing parish which he would have had if this Part of this Act had not been passed.

References
to Educa-
tion Act
1921.

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

Saving for
qualification
of aldermen
and
councillors.

232. Any alderman or councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of area made by this Part of this Act.

As to
unclassified
roads.

233.—(1) As from the appointed day all unclassified roads in the added areas shall cease to be county roads and shall vest in the Corporation and for the purposes of the maintenance repair and improvement of and other dealing with such roads the Corporation shall have the same powers and duties as respects such roads as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

(2) In this section the expression "unclassified roads" means highways repairable by the inhabitants at large which are not classified roads as defined in the Act of 1929. A.D. 1931.
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(3) Nothing in this section shall affect the provisions of subsection (2) of section 31 (Transfer of classified roads in urban districts to county council) of the Act of 1929 in its application to any unclassified road in the added areas becoming a classified road nor the rights of the Corporation under section 32 (Rights of certain urban district councils to maintain county roads) of the said Act in respect of any road in the added areas which after the appointed day becomes a county road.

(4) If at any time after the appointed day any classified road in the added areas becomes an unclassified road such road shall thereupon cease to be a county road and shall vest in the Corporation and for the purposes of maintenance repair and improvement of and other dealing with such road the Corporation shall have the same powers and duties as respects that road as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

234.—(1) No alteration effected by this Part of this Act shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the rural council or any of the parish councils or any person on behalf of any of the parish meetings affected by this Part of this Act or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by any of those councils or persons or the predecessors of any of those councils or meetings : Savings
for actions
contracts
&c.

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any of those councils or any person on behalf of any of those meetings in relation exclusively to any

A.D. 1931.
—

part of the added areas may be continued prosecuted and enforced by or against the Corporation; and

- (b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by any of those councils or any person on behalf of any of those meetings (or their predecessors) in relation exclusively to any part of the added areas may be continued and enforced as fully and effectually as if instead of that council or person (or their or his predecessors) the Corporation had been a party thereto.

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

Other
savings.

235. Nothing in this Part of this Act shall—

- (i) restrict the power of the Secretary of State the Minister or the county council under the Act of 1888 the Act of 1894 the Act of 1929 or the Poor Law Act 1930;
- (ii) affect the powers of the county council for the division of their parliamentary county into polling districts for parliamentary elections or for the division of the county into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election;
- (iii) affect the ecclesiastical divisions of any parish or prejudice vary or affect any power right interest or jurisdiction in or over or in connection with any charitable endowment;
or
- (iv) affect land tax.

PART XII.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to
borrow.

236.—(1) The Corporation may from time to time independently of any other borrowing power borrow at

A.D. 1931.

interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation of the existing borough and the revenues of the Corporation of the borough and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereto shall respectively be "the prescribed period") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
	£	
(a) For and in connection with the purchase of lands and easements.	23,500	Sixty years from the date or dates of borrowing.
(b) For and in connection with the construction of the dam and intake authorised by this Act.	4,640	Fifty years from the date or dates of borrowing.
(c) For and in connection with the construction of the aqueduct or line or lines of pipes authorised by this Act.	5,360	Thirty - five years from the date or dates of borrowing.
(d) For and in connection with the provision of new mains extensions of mains and other waterworks purposes.	10,000	Thirty - five years from the date or dates of borrowing.
(e) For and in connection with the market undertaking of the Corporation.	5,000	Thirty - five years from the date or dates of borrowing.
(f) For the purpose of making any payment to the county council or to any other authority under this Act or under any enactment the provisions of which are applied thereby (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in or applicable to the provisions of this Act which annuity the Corporation are hereby empowered to purchase).	The sum requisite.	Forty - five years from the date or dates of borrowing.

A.D. 1931.

1	2	3
Purpose.	Amount.	Period for repayment.
(g) For the purpose of making any payment under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."	The sum requisite.	Twenty years from the date or dates of borrowing.
(h) For the payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also borrow with the consent of the Minister such further moneys as may be necessary for any of the purposes of this Act other than the purposes of electricity.

(b) Any moneys borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

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

Mode of raising money.

237. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Act

238. Subject to the provisions of section 77 (Power to use one form of mortgage for all purposes) of the Act of 1900 the following sections of the Public Health

Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

- Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages).

A.D. 1931.
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1875 as to
mortgages
to apply.

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

Sinking
fund.

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

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

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

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which

A.D. 1931. the sinking fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

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

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

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

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

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

(13) Section 63 (Sinking fund) of the Act of 1900 is hereby repealed.

240.—(1) The Corporation shall make provision for the extinguishment of the outstanding mortgages upon the market undertaking of the Corporation amounting to sixteen thousand one hundred pounds and of any stock mortgage or other security of the Corporation substituted for the same by means of a sinking fund so as to place the Corporation in a position to purchase

Sinking
fund for
market
loans.

A.D. 1931. — pay off or extinguish the said mortgages or securities within a period of eighty years from the passing of this Act.

(2) The provisions of this Act with reference to sinking funds shall extend and apply with any necessary modifications to the sinking fund to be provided under this section and for the purposes thereof the prescribed period shall be the period of eighty years from the passing of this Act.

(3) The Corporation at any time may apply the whole or any part of the sinking fund to be provided under this section in or towards the purchase of the said mortgages or any of them or in or towards paying off any stock mortgage or other security of the Corporation substituted for such mortgages or any of them Provided that if such fund be an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4) (a) At any time before the expiration of the prescribed period the Corporation may borrow at interest such money as they may require for the purchase of the said mortgages or any of them.

(b) The provisions of this Act with reference to the borrowing of money and the repayment thereof shall extend and apply to all money borrowed under this subsection and for the purposes of those provisions the prescribed period shall be the period of eighty years from the passing of this Act.

Power to
re-borrow.

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

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing

power and which at the time of such repayment it was intended to replace by borrowed moneys. A.D. 1931.
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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

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

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

(5) Section 67 (Power to re-borrow) of the Act of 1900 is hereby repealed.

242. The following provisions of the Act of 1900 are incorporated with this Act and shall extend and apply thereto as if those provisions with the necessary modifications were set out in this Act (namely):—

Incorporation of provisions of Act of 1900.

Section 62 (Mode of payment off of money borrowed);

Section 64 (Protection of lender from inquiry);

Section 65 (Corporation not to regard trusts);

Section 66 (Appointment of receiver);

Section 71 (Application of money borrowed);

Section 73 (Audit of accounts).

A.D. 1931.

Evidence of
transfer or
transmission
of securities.

243. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which the provisions of or regulations made under the Taunton Corporation Act 1889 apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Receipt
in case of
persons not
sui juris.

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

Interest on
mortgages
held jointly.

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

As to
mortgage of
revenues of
Corporation.

246. Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation of the existing borough and the revenues of the Corporation of the borough.

Consolidated
loans fund.

247.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-two the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

(a) all moneys borrowed by the Corporation whether by issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

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

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

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

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

(a) in the redemption of stock or any other securities issued by the Corporation or the trustees appointed by virtue of the Taunton Town and Market Regulations Acts the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation or the said trustees; and

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

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charged 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. 1931.
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(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation 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.

(5) Subject to any priority existing at the passing of this Act all bonds and stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation of the existing borough and the revenues of the Corporation of the borough and shall rank equally one with the other without any priority whatsoever.

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

(7) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

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

Investment
of and
payments
into sinking
fund.

248. When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether

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

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The accumulations of the said yearly sums shall be paid and provided out of the general rate fund and general rate and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general rate fund.

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

Use of moneys forming part of sinking and other funds.

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

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

A.D. 1931.
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aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power;
- (c) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Expenses of execution of Act.

250. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

As to mortgages granted by trustees under Taunton Town and Market Regulations Acts.

251. Nothing in this Act shall in any way affect any mortgage or bond created by the trustees appointed by virtue of the Taunton Town and Market Regulations Acts and existing at the passing of this Act but every such mortgage or bond shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the said trustees the Corporation had been a party thereto.

Return to Minister with respect to repayment of debt.

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

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him

be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1931.

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

(4) Any provision (other than the foregoing provisions of this section) of any enactment in force in the borough at the passing of this Act requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

253.—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation (including the income arising from the investment of any reserve fund) on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived shall be carried to and shall form part of the revenue for that year of the general rate fund and all payments and Application of revenue and payment of expenses of undertakings.

A.D. 1931. expenses made and incurred in respect of any such undertaking in the same year shall be paid out of that fund :

Provided that if the money received by the Corporation on account of the revenue of their electricity undertaking (including the income arising from the investment of any reserve fund) in any year shall exceed the money expended in that year on the purposes relating to the said undertaking set forth in subsection (1) of the section of this Act of which the marginal note is "Accounts" an amount equal to such excess shall be applied from the general rate fund in such manner as section 7 paragraph (1) of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 provides that the net surplus of an undertaking shall be applied :

Provided further that in every year in which the income arising from the investment of the reserve fund of the said undertaking is carried to the general rate fund in pursuance of this section such reserve fund shall be increased by a sum equal to the amount of such income if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively :

Provided that the Corporation shall not apply money received on account of the revenue of their electricity undertaking to any of such purposes which may be chargeable to capital except with the consent of the Electricity Commissioners.

Accounts.

254.—(1) As from the first day of April nineteen hundred and thirty-two the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of their undertakings for the time being from which revenue is derived (each of which is in this section separately

referred to as "the undertaking") on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

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

(2) The Corporation shall show in their accounts relating to any 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) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts 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) As from the first day of April nineteen hundred and thirty-two section 70 (Separate accounts for water undertaking application of revenue and deficiency of receipts) of the Act of 1900 shall be repealed.

255.—(1) As from the first day of April nineteen hundred and thirty-two the Corporation may (if they think fit) provide reserve funds in respect of the water undertaking their market undertaking and the aerodrome undertaking by setting aside such an amount as they may from time to time think reasonable and investing

Reserve funds for Corporation's undertakings.

[A.D. 1931. — the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed in respect of the undertaking concerned amounts to the maximum reserve fund for the time being prescribed by the Corporation for that undertaking.

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

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

(4) Any moneys at the said date standing to the credit of any reserve fund formed in respect of any of the said undertakings shall be carried to the credit of the reserve fund in respect of such undertaking formed under the provisions of this section.

Lands fund.

256. The Corporation may if they think fit establish a fund to be called "the lands fund" which shall form part of the general rate fund to provide for purchasing or acquiring or taking on lease and holding any lands and buildings which in their opinion it is desirable at any time to acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and such fund shall be formed by annually appropriating thereto out of the general rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of two pence in the pound calculated in manner provided by rules from time to time made by the Minister under the Rating and Valuation Act 1925 Provided that when the fund aforesaid shall

amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of ten thousand pounds.

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257.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of the London Association of Accountants Limited or of the Corporation of Accountants Limited to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors elected and appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

Appointed
auditors.

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

A.D. 1931.

Subscrip-
tions to
local govern-
ment
associations
and other
expenses.

258. The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

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

(b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

Aerodrome
undertaking.

259.—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 an aerodrome and any subsidiary business in connection therewith (in this Act 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 Secretary of State for Air 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. A.D. 1931.
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260. The Corporation may provide and maintain automatic machines for weighing persons in the markets market house and market halls and the public baths and other premises belonging to the Corporation and may charge for the use of such machines. Corporation may provide automatic weighing machines.

261.—(1) The Corporation may close to the public and may reserve the exclusive use of any swimming bath or open bathing-place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises water polo matches life-saving classes or for entertainments or exhibitions or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing-place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit. Use of swimming baths for exhibitions and entertainments.

(2) The Corporation may also let the exclusive use of any such swimming bath or open bathing-place to any school or club on such conditions as they may think fit Provided that no such letting under this subsection shall extend over a consecutive period of more than two hours within the times during which such swimming bath or open bathing-place is usually available to the public.

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

263. Any question which may arise between the Corporation and the Great Western Railway Company under any of the sections of this Act of which the marginal notes are respectively— Provision for arbitration between Corporation and Great Western Railway Company.

“ Application of Waterworks Clauses Act 1847 ” ;

“ Meters in streets to measure water or detect waste ” ;

A.D. 1931.

“ Power to lay electric mains in private streets ” ;

“ Power to enter premises ” ;

shall be referred to and determined by a single arbitrator to be appointed (failing agreement) on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Expenses
may be
declared
private im-
provement
expenses.

264. The Corporation may declare any expenses incurred by them under the provisions of 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.

In executing
works for
owner
Corporation
liable for
negligence
only.

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

Power to
enter
premises.

266. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets buildings sewers and drains) and Part VI (Infectious disease and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102 :

Provided that in the exercise at any railway station or upon any premises of the Great Western Railway Company of the powers conferred upon the Corporation by this section the Corporation shall conform to such reasonable requirements of the said railway company as are necessary to prevent the working of their traffic being obstructed or interfered with.

A.D. 1931.

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

Penalty on occupier refusing execution of Act.

268. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than byelaws which the Corporation may make under section 23 of the Municipal Corporations Act 1882 as extended by the section of this Act of which the marginal note is "Byelaws as to leading or driving cattle":

General provisions as to byelaws.

Provided that as regards the confirmation of byelaws to be made under the section of this Act of which the marginal note is "Byelaws as to bicycles &c. on certain footpaths" the Secretary of State for the Home Department shall be substituted for the Minister and as regards the confirmation of byelaws relating to any aerodrome which may be established by the Corporation and made under the section of this Act of which the

A.D. 1931. — marginal note is "Aerodrome undertaking" and inquiries in relation thereto the Secretary of State for Air shall be substituted for the Minister.

Evidence of appointments authority &c.

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

Authentication and service of notices &c.

270.—(1) Where any notice licence or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Breach of conditions of consent of Corporation.

271. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose

any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. A.D. 1931.
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272. All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation. Consents of Corporation to be in writing.

273. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

274. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted. Damages and charges to be settled by court.

275. Any person aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts V (Streets buildings sewers and drains) VI (Infectious disease and sanitary matters) or IX (Police) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. As to appeals.

A.D. 1931.

Several
sums in one
summons.

276. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Informa-
tions by
whom to
be laid.

277. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Recovery
of penalties
&c.

278. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Compensa-
tion how
to be
determined.

279. 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.

Saving for
indictments
&c.

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

Judges not
disqualified.

281. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

282. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

A.D. 1931.

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Powers of
Act cumu-
lative.

283. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Application
of section
265 of
Public
Health
Act 1875.

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

Inquiries by
Minister.

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

285. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular no land vested in or occupied by the Crown or any public department shall be included in any town planning scheme made under the provisions of this Act without the consent of the public department owning or managing such land which consent may be given on such terms as may be agreed.

Crown
rights.

A.D. 1931.

—
Costs of Act.

286. 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.

The SCHEDULES referred to in the foregoing Act.

A.D. 1931.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Numbers on deposited plan.
The borough - - -	70 71 73 74 75 76 77 78 79 and 80.
Parish of Pitminster - -	13.

THE SECOND SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
52 & 53 Vict. c. cxxxvi -	Taunton Corporation Act 1889.
63 & 64 Vict. c. cclxxxiii -	Taunton Corporation Act 1900.

PART II.—ORDERS.

Session and chapter.	Short title.	Order thereby confirmed.
56 & 57 Vict. c. cxiv.	Electric Lighting Orders Confirmation (No. 4) Act 1893.	Taunton (Corporation) Electric Lighting Order 1893.
58 & 59 Vict. c. xcii.	The Local Government Board's Provisional Orders Confirmation (No. 13) Act 1895.	Borough of Taunton Order 1895.
11 & 12 Geo. 5. c. lix.	The Ministry of Health Provisional Order Confirmation (Taunton Extension) Act 1921.	Taunton (Extension) Order 1921.
—	—	Taunton Electricity (Extension) Special Order 1925.

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