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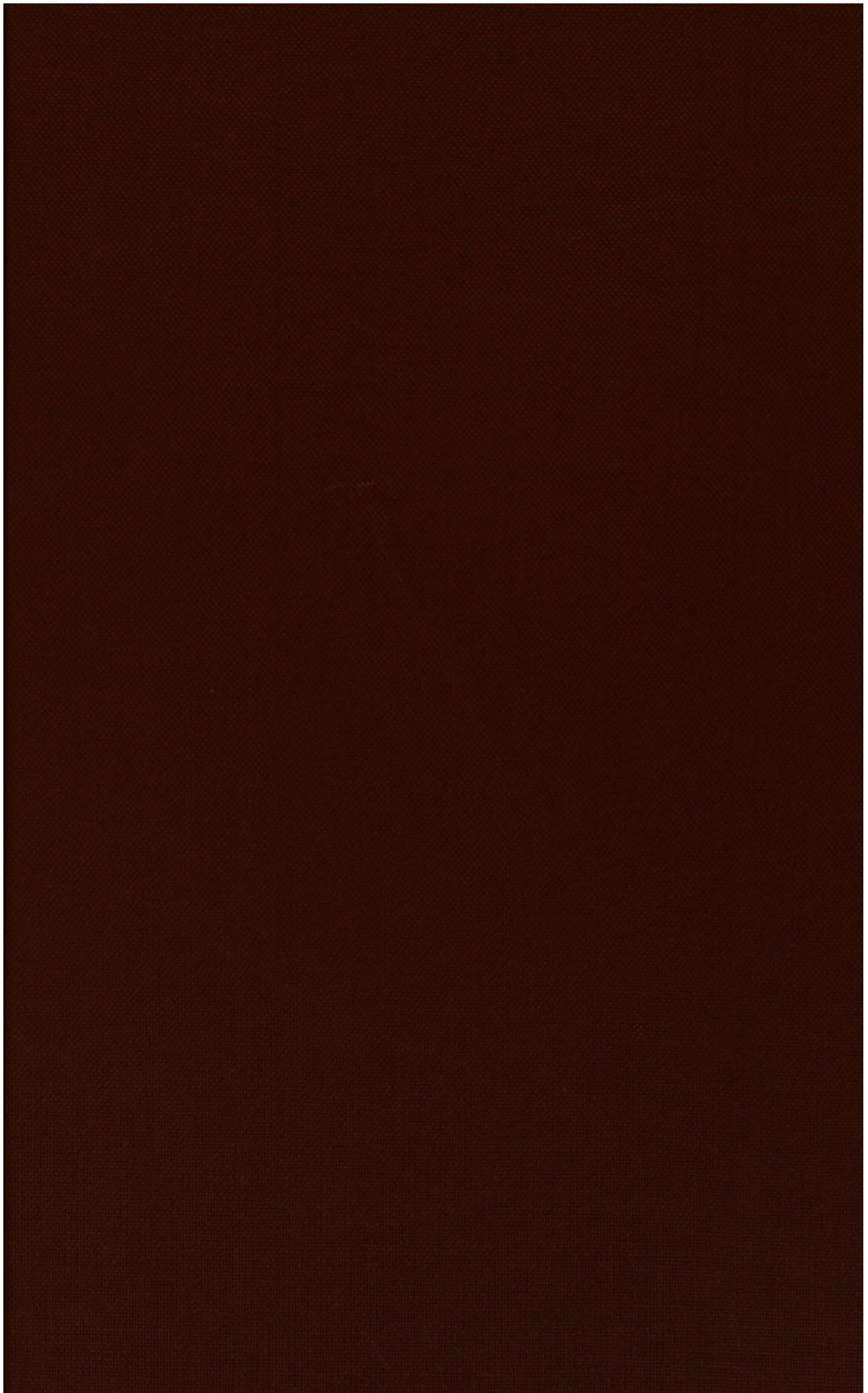
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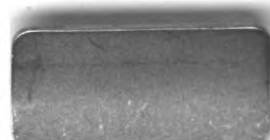
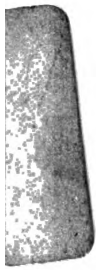
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7/56 (24)

THE
SESSIONAL PAPERS

PRINTED BY ORDER

OF

THE HOUSE OF LORDS,

OR PRESENTED BY ROYAL COMMAND.

IN THE

Session 1912-13,

(2 & 3 GEORGE V.)

ARRANGED IN VOLUMES.

Vol. VIII.

PUBLIC BILLS,

(Five Volumes.)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

SAM - - WHI

1912-13.

THIS BOOK
IS TO BE PRESERVED IN THE
LIBRARY
OF THE
BOARD OF TRADE

PUBLIC BILLS, 1912-13.

(FIVE VOLUMES.)

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A
B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners A.D. 1912.
for the application or management of the Charity of
Samuel Robinson for Independent and Baptist Ministers.

WHEREAS the Charity Commissioners in their report to
His Majesty of their proceedings during the year one
thousand nine hundred and eleven have reported that they have
approved and certified a scheme for the application or manage-
5 ment of the charity of Samuel Robinson for Independent and
Baptist ministers founded by will proved on the fifth day of
October eighteen hundred and thirty-three :

And whereas it is expedient that the scheme as the same
is fully set out and defined in the schedule to this Act should
10 be confirmed :

Be it therefore 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:—

15 **1.** The said scheme is hereby confirmed Provided always Confirmation
of scheme.
that nothing in this Act or in the said scheme shall be held to
interfere with the ordinary jurisdiction over endowed charities
now exercisable or hereafter to become exercisable by the High
Court of Justice and the Charity Commissioners.

20 **2.** This Act may be cited as the *Robinson's Trust Scheme* Short title.
Confirmation Act 1912.

A.D. 1912.

SCHEDULE.

*Scheme for the Application or Management of the Charity of
Samuel Robinson for Independent and Baptist Ministers
founded by Will proved on the fifth of October one
thousand eight hundred and thirty-three.* 5

1. *Administration.*—The above-mentioned charity (herein-after called the Trust), and the endowments thereof specified in the schedule hereto and all other the endowments (if any) of the Trust shall be administered and managed by the Trustees for the time being of Robinson's Charity (regulated by a scheme of the Charity Commissioners of the thirteenth of August one thousand eight hundred and ninety-seven as varied by a scheme of the said Commissioners of the fourth of June one thousand nine hundred and one) as the Trustees of the Trust subject to and in conformity with the provisions of this scheme under the title of Robinson's Trust for Independent and Baptist Ministers. 10 15

2. *Vesting of Real Estate.*—Any freehold or leasehold lands and hereditaments comprised in this scheme are hereby vested in "The Official Trustee of Charity Lands" for all the estate and interest therein belonging to or held in trust for the Trust.

3. *As to Stock and Cash.*—All sums of stock comprised in this scheme shall be transferred under the authority of a further order of the Charity Commissioners into the name of "The Official Trustees of Charitable Funds" and all sums of cash now or at any time belonging to the Trust and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested under the like authority in the name of the said Official Trustees. 20 25

4. *Minutes and Accounts.*—A minute book and books of account for the Trust shall be provided and kept by the Trustees. All proper accounts in relation to the Trust shall in each year be made out and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners and published in conformity with the provisions of the Charitable Trusts Acts. 30

5. *General Power to make Regulations.*—Within the limits prescribed by this scheme the Trustees shall have full power from time to time to make regulations for the management of the Trust and for the conduct of their business including the summoning of meetings the 35

deposit of money at a proper bank the custody of documents and the appointment as clerk treasurer or other proper officer or agent during their pleasure of one or more of themselves (without salary) or of some other fit person or persons at a salary or salaries to be approved by the Charity Commissioners. A.D. 1912.

6. *Management and Letting of Property.*—All the property of the Trust not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees. In every case public notice of the intention to let any land or other property shall be given by the Trustees in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than three years of any existing term or for more than twenty-one years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent court.

7. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof and every lease shall contain covenants on the part of the lessee for the payment of rent and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

8. *Repair and Insurance.*—The Trustees shall keep in repair and insure against fire all the buildings of the Trust not required to be kept in repair and insured by the lessees or tenants thereof.

9. *Expenses of Management.*—The cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Trust and all the proper costs charges and expenses of and incidental to the administration and management of the Trust shall be first defrayed by the Trustees out of the income thereof.

10. *Benefit of Pensioners.*—Subject to the payments aforesaid the yearly income of the Trust shall be applied by the Trustees for the benefit of pensioners as herein-after prescribed.

11. *Saving for existing Pensioners.*—Appointments of pensioners under this scheme shall be made without prejudice to the interests of the existing pensioners of the Trust.

12. *Qualifications of Pensioners.*—The pensioners shall be pastors or ministers of Independent churches or Baptist churches but the Trustees may grant pensions to persons who have been pastors or ministers of Independent churches or Baptist churches but have retired from the ministry in consequence of old age or ill-health. Preference shall be given cæteris paribus to those who practise open communion.

A.D. 1912.

13. *Widows.*—If any pensioner dies leaving a widow who is a serious person and of moral and discreet life and conversation the Trustees may in their discretion continue to such widow for her life or any less period either the whole or part of the pension formerly paid to her husband provided she remains a widow and in the opinion of the Trustees preserves the character which first qualified her to receive such annuity and resides in some part of the British Isles. 5

14. *Proportion of Benefits.*—So far as possible two-thirds in value of the pensions shall be granted to pastors or ministers or to persons who have been pastors or ministers of Independent churches or to their widows and one-third in value of the pensions shall be granted to pastors or ministers or to persons who have been pastors or ministers of Baptist churches or to their widows. 10

15. *Ordination.*—Every minister appointed a pensioner shall be or shall have been pastor of a church and regularly ordained according to the faith and order of the church to which he belongs and of irreproachable life and morals resident in England or Wales and not elsewhere and shall be either a married man or a widower. 15

16. *Stipends of Pensioners.*—There shall be paid to each pensioner out of the income of the Trust by such periodical payments as the Trustees think fit such a stipend being at the rate of not more than twenty pounds a year as the Trustees may from time to time fix having regard to the needs and circumstances of the respective pensioners and to the income and other circumstances of the Trust provided that the Trustees instead of paying the whole amount of the stipend to any pensioner in money may from time to time expend the whole or any portion thereof for his or her benefit as they think fit. 20 25

17. *Payment of Stipends and Conduct of Inquiries.*—The clerk of the Trustees or some other person appointed by them for the purpose shall pay the stipends to the pensioners and conduct any inquiries with regard to them and to applicants for appointment. 30

18. *Notice of Qualifications.*—The Trustees shall when and in such manner as they think necessary and expedient give public notice specifying the qualifications required from candidates and the proper mode of application for appointment as a pensioner Every applicant must be prepared to produce sufficient testimonials and other evidence of his or her qualification for the appointment. 35

19. *Applications for Appointment.*—Applications for appointment as pensioners shall be made in the first place in writing to the Trustees or their clerk in such manner as the Trustees prescribe. 40

20. *Appointments of Pensioners.*—The appointments of pensioners shall be made by the Trustees as follows The Trustees who are

Independents shall nominate Independent ministers and the Trustees who are Baptists shall nominate Baptist ministers. Whenever a vacancy occurs the Trustees shall take priority among themselves with respect to their own class in making nominations according to their priority of appointment as Trustees of Robinson's Charity. A list of the pensions so nominated shall be submitted to a special meeting of the Trustees who shall appoint one of such persons to be a pensioner. Every appointment of a pensioner shall be made as soon as conveniently may be after an interval of one month from the occurrence of the vacancy to be filled up or in the case of first appointments under this scheme as soon as conveniently may be after the date hereof allowing a reasonable time for inquiries as to the applicants.

For the purposes of this clause the Trustees may appoint two or more of those Trustees who are Independents to be a committee to nominate Independent ministers as pensioners and two or more of those Trustees who are Baptists to be a committee to nominate Baptist ministers as pensioners and it shall be lawful for any such committee in cases of necessity to make interim appointments of and payments to pensioners but no such interim appointment shall become a permanent appointment unless confirmed at a subsequent meeting of the Trustees.

21. *Selection of Pensioners and Payment of Pensions.*—The pensioners shall be selected after full investigation of the character and circumstances of the applicants and inquiry whether they have shown reasonable providence and whether and to what extent they may reasonably expect assistance from relations or others.

The pensions shall be paid subject to such reasonable regulations for ascertaining the identity and good conduct of the pensioners and their continued possession of the required qualifications as the Trustees from time to time prescribe.

22. *Term of Pensions.*—Each pension shall be granted for a term of three years in the first instance but may be prolonged by the Trustees if they think fit for a further period of not more than three years at each prolongation.

23. *Grants.*—The Trustees may in any exceptional case of distress make a grant not exceeding twenty pounds out of the funds of the Trust to any person qualified to be a pensioner.

24. *Register.*—The Trustees shall provide and keep a book in which shall be entered the name age and description of every person appointed to be a pensioner the date of every appointment and the date and occasion of every vacancy. They shall also keep a register of all applications for appointment and no appointment of a pensioner shall be made unless his or her name is entered on the register.

A.D. 1912.

25. *Removal of Pensioners.*—(1) The following persons shall be removed from being pensioners:—

- (A) Any pensioner who receives poor law relief other than medical relief;
- (B) Any pensioner detained under lawful authority as a person 5 suffering from mental disease;
- (C) Any pensioner becoming an inmate of any poor law institution for the purpose of receiving medical relief.

(2) If in the opinion of the Trustees any pensioner is guilty of insobriety or immoral or improper conduct or is disqualified for retaining 10 his or her appointment by having become entitled to a sufficient income from sources other than the Trust or from any other cause or if in any case it appears that any pensioner has been appointed without having the required qualifications the Trustees upon proof thereof to their satisfaction may remove the pensioner. 15

(3) Upon the removal of any pensioner the Trustees may proceed to appoint another pensioner in his or her place.

(4) In any case of such misconduct as aforesaid the Trustees may suspend the payment of the stipend to the pensioner either wholly or in part during such time as they think fit. 20

(5) Any pensioner removed under head (B) or (C) of section (1) of this clause may on recovery be re-appointed.

26. *Regulations.*—The Trustees may from time to time prescribe such reasonable regulations as they consider expedient for the government of the pensioners provided that the same shall not be at variance 25 or inconsistent with any of the provisions of this scheme.

27. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in property belonging to the Trust otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration or be interested in the supply of work at the cost of the 30 Trust.

28. *Trust not to relieve Rates.*—The funds or income of the Trust shall not in any case be applied in aid of any rates for the relief of the poor or other purposes in any parish or place.

29. *Alteration of Scheme.*—The Charity Commissioners may from 35 time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any of the provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

[2 GEO. 5.] *Samuel Robinson's Trust Charity.*

7

30. *Questions under Scheme.*—Any question as to the construction of this scheme or as to the regularity or the validity of any acts done or about to be done under this scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

A.D. 1912.

SCHEDULE OF PROPERTY.

Description.	Extent or Amount.			Tenant or Persons in whose Name invested.	Gross Yearly Income.		
	£	s.	d.		£	s.	d.
10 The property known as Holland Park Mansions Addison Road Kensington in the county of London.	—			W. G. Hornsey	210	0	0
15 Consols	9,751	11	1	James Lovegrove (deceased) Walter Hazel Thomas Boyle Woolley.	943	15	9

**Samuel Robinson's
Trust Charity.**

A

B I L L

INTITLED

An Act to confirm a Scheme of the
Charity Commissioners for the
application or management of the
Charity of Samuel Robinson for
Independent and Baptist Ministers.

(Brought from the Commons 14th February 1913.)

Ordered to be printed 14th February 1913

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(219)

[2 & 3 GEO. 5.] *Sea Fisheries (Conway) Provisional Order.* 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Sea Fisheries Act 1868 relating to mussel fisheries in the estuary of the River Conway. A.D. 1912.

WHEREAS the Board of Agriculture and Fisheries have made the Provisional Order set forth in the schedule hereto under the provisions of the Sea Fisheries Act 1868: 31 & 32 Vict. c. 45.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore 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:—

10 **1.** The Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Sea Fisheries (Conway) Provisional Order Confirmation Act 1912. Short title.

A.D. 1912.

S C H E D U L E.

CONWAY MUSSEL FISHERY ORDER 1912.

*Order for the Improvement Maintenance and Regulation of a
Mussel Fishery in the Estuary of the River Conway.*

1. The following are the description and limits of the fishery 5
comprised in this Order (herein-after called "the fishery") viz. so
much of the foreshore and bed of the estuary of the River Conway
containing an area of 3 square miles and 80 square yards or there-
abouts as is delineated and defined on a map sealed by the Board of
Agriculture and Fisheries (herein-after called "the Board") and marked 10
A 1114/1912 the external boundaries of the said fishery being shown
on such map by a line coloured pink.

2. The limits of the fishery shall be marked out in such manner
as the Board may from time to time direct.

3. The grantees of this Order are the mayor aldermen and burgesses 15
of the borough of Conway (herein-after called "the Corporation").

4. Save as herein-after provided no person shall dredge rake fish
for or take mussels within the fishery without a licence A licence in
that behalf shall be granted by the Corporation to any person who
may apply for the same A licence shall be available only for the 20
period specified therein and for use by the person or persons named
in the licence and for the use of such vessel or boat (if any) and
such instruments as may be respectively specified therein and no
licence shall authorise any person to dredge rake fish for or take 25
mussels at any time or place or in any manner at or in which it
is otherwise prohibited to dredge rake fish for or take mussels.

Licences shall be in a form approved by the Board.

Any person dredging raking fishing for or taking mussels within
the fishery shall when required by any water-bailiff appointed by the
Corporation produce his licence or shall desist from dredging raking 30
fishing for or taking mussels till such licence is produced.

5. The Corporation may from time to time appoint suspend or
remove a water-bailiff or water-bailiffs Every such water-bailiff shall
have the following powers (that is to say) he may within the fishery
enter any vessel or boat used for fishing therein he may examine 35
the catches fishing implements and gear of any such vessel or boat
he may seize mussels illegally taken within the fishery and he may

[2 & 3 GEO. 5.] *Sea Fisheries (Conway) Provisional Order.* 3

do all other lawful acts for giving effect to the provisions of this Order and of Part III. of the Sea Fisheries Act 1868. A.D. 1912.

For such purposes he shall be deemed to be a constable and shall have within the fishery and in or about any place of deposit
5 appointed or provided under this Order the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to in his constablewick at common law or by statute.

Any person considered by a water-bailiff to have offended against
10 any of the provisions of this Order or of any regulations made thereunder shall when required by such water-bailiff state correctly his christian name surname and place of abode.

Any person refusing or omitting when so required to state correctly his name and place of abode or wilfully continuing to offend after having
15 been required by a water-bailiff to desist may be apprehended by any water-bailiff or by any person acting in the presence of and by order of a water-bailiff and conveyed before a justice of the peace to be dealt with according to law.

6. Subject as herein-after provided there shall be paid to the
20 Corporation by way of royalty in respect of mussels taken by any person within the fishery between midnight on any day and the midnight following—

For every cwt. of large mussels or part thereof threepence and for every cwt. of other mussels or part thereof twopence.

25 The expression "large mussel" means a mussel exceeding three inches in length.

7. The Corporation may from time to time abolish reimpose or vary the royalty payable under or in pursuance of this Order but so that the royalty for the time being imposed by this Order shall not exceed
30 the amount following (that is to say):—

For every cwt. of mussels or part thereof one shilling and sixpence.

Any such reimposition or variation shall be effected by means of a resolution to be made subject to the same confirmation as if
35 it were a regulation made by the Corporation under this Order and no such resolution shall take effect until so confirmed.

8. The whole of the moneys received by the Corporation from royalties or otherwise under this Order shall be applied to the provision and maintenance of places of deposit or the improvement maintenance
40 and regulation of the fishery under the powers of the Sea Fisheries Act 1868.

A.D. 1912.

9. For the purpose of enforcing payment of the royalties payable under this Order all mussels found or deemed in manner herein-after appearing to be found in the possession of any person who is or has immediately come from within the limits of the fishery shall be deemed to have been taken by such person within those limits until the contrary is proved and all mussels found in any boat vessel cart or vehicle shall be deemed to be found in the possession of the person or persons for the time being using such boat vessel cart or vehicle and all mussels found or deemed to be found in the possession of more than one person shall be deemed to be found in the possession of each of such persons in equal quantities until the contrary is proved. 5 10

All mussels taken within the fishery shall be brought to such places at such times as the Corporation may with the approval of the Board prescribe for the purpose of being then and there examined and weighed by a water-bailiff and the royalties shall be paid in such manner and at such times and places as the Corporation with the approval of the Board may appoint. 15

Any person paying any royalty in accordance with this Order shall forthwith receive a receipt for the same.

The royalties payable under this Order by any person named in a licence shall be payable by and recoverable from any person or persons named in the licence. 20

10. The Corporation shall from time to time to the satisfaction of the Board appoint or provide in or near the fishery one or more suitable and convenient places as far as possible free from contamination for the deposit of mussels taken within the fishery and intended for sale or consumption as human food for the purpose of allowing such mussels to cleanse themselves and to eliminate matter likely to be or to become dangerous to public health and public notice shall be given by the Corporation of the appointment or provision of such place or places of deposit. 25 30

11. Mussels shall not be taken within the fishery for sale or consumption as human food except for the purpose of being forthwith deposited by the person or persons so taking the same at a place appointed or provided by the Corporation for the purpose and if any person shall take mussels within the fishery for sale or consumption as human food and fail to deposit them forthwith at a place so appointed or provided he shall be deemed guilty of the offence of taking mussels in contravention of the restrictions imposed by this Order. 35

12. Mussels deposited at a place so appointed or provided shall not be taken therefrom until four clear days or such other period as the Board may from time to time by Order direct after the deposit and no such mussels intended for sale or consumption as human food shall be taken from an appointed or provided place of deposit without the 40

[2 & 3 GEO. 5.] *Sea Fisheries (Conway) Provisional Order.* 5

written authority of a water-bailiff which shall certify compliance with the provisions of this Article. A.D. 1912.

13. Royalties shall not be payable under this Order unless and until the Board certify that suitable and convenient places of deposit have
5 been provided to their satisfaction.

14. The foregoing provisions of this Order shall not apply to any person dredging raking fishing for or taking mussels at any time for scientific purposes or for stocking or breeding purposes or for bait with the written authority of the Corporation under the hand of the
10 town clerk and in accordance with the conditions contained in such authority.

15. Subject to the provisions of this Article the Corporation may from time to time make regulations to be observed within the whole or any specified part or parts of the fishery and during the whole or
15 any specified part or parts of the year for all or any of the following purposes :—

- (i) For determining the marks to be attached or affixed to or painted on vessels or boats or the sails or gear of vessels or boats used in the fishery the use of which is licensed under this Order and which are not registered under and in pursuance of the Sea Fisheries Act 1868 or the Merchant Shipping Act 1894 ;
20
- (ii) For regulating or prohibiting any mode of or the use of any instrument for dredging raking fishing for or taking mussels ;
- 25 (iii) For restricting or prohibiting either entirely or subject to any exceptions and regulations the dredging raking fishing for or taking of mussels from any specified area within the fishery during any period specified in the regulation ;
- (iv) For fixing the size and condition at or in which mussels
30 may not be removed from the fishery and the mode of determining such size ;
- (v) For providing for the re-deposit in specified localities of any mussels the removal of which is prohibited by any regulation ;
- 35 (vi) For determining the description of dredges rakes or other fishing instruments to be used in the fishery and the marks to be affixed thereto ;
- (vii) For regulating generally the time and manner of dredging raking fishing for or taking mussels and for protecting mussels from injury ;
- 40 (viii) For prohibiting the deposit on the fishery of five-fingers otherwise starfish dogwhelks or other natural enemies of mussels

6 *Sea Fisheries (Conway) Provisional Order.* [2 & 3 GEO. 5.]

A.D. 1912.

and for securing the destruction or regulating the disposal
of such as may be taken up in fishing;

(ix) For revoking altering suspending or varying any regulation
previously made.

Regulations made under this article shall not be of any effect until 5
confirmed by the Board but when so confirmed they shall while they
continue in operation have effect as and be deemed to be restrictions
imposed or regulations made by this Order.

Before a regulation is confirmed it shall be advertised in such
manner as the Board shall direct. 10

The production of a copy of any regulation or of any resolution
by which the royalty is re-imposed or varied purporting to be signed
by a Secretary or Assistant Secretary of the Board shall be conclusive
evidence of the regulation or resolution and of the due making and
confirmation thereof. 15

Any regulation or resolution shall be revised or varied from time
to time when and as required by the Board and any regulation or
resolution may at any time be cancelled by the Board and shall
thereupon cease to have effect.

16. The Corporation shall render to the Board on or before the 20
31st day of August in every year or such other day as may be fixed by
the Board accounts of their income and expenditure under this Order
and shall furnish to the Board all other information required by the
Board with reference to the fishery in such form as the Board may 25
from time to time require and shall allow the Board or any person
appointed by them in that behalf to inspect the fishery and all books
accounts and other documents in the possession of the Corporation
relative to the fishery and shall give to the Board or person all such
information relating thereto as they or he may require.

17. Nothing in this Order shall affect the power of the Board at 30
any time to make an Order or Orders conferring a right or rights of
several mussel fishery within any portion of the fishery and all the
powers and provisions contained in this Order shall be subject to the
power of the Board to make such Order or Orders and to any
alteration which may be made thereby or consequent thereon. 35

18. No buildings erections embankments or other works of a
permanent nature required in connexion with the working and carrying
on of the fishery under the provisions of this Order shall at any time
be commenced or executed by the Corporation within the fishery
below high water mark without the previous sanction and approval in 40
writing of the Board of Trade.

19. Subject to the provisions of section 45 of the Sea Fisheries
Act 1868 and of section 2 of the Oyster and Mussel Fisheries Orders

[2 & 3 GEO. 5.] *Sea Fisheries (Conway) Provisional Order.* 7

Confirmation Act 1869 (No. 2) this Order shall continue in operation until the expiration of 60 years from its confirmation by Act of Parliament and no longer. A.D. 1912.

20. Nothing in this Order affects prejudicially any estate right power
 5 privilege or exemption of the Crown and in particular nothing herein
 contained authorises the Corporation to take use or in any manner
 interfere with any portion of the shore or bed of the sea or of any
 river channel creek bay or estuary or any land hereditaments subjects
 or rights of whatsoever description belonging to His Majesty in right
 10 of His Crown and under the management of the Commissioners of
 Woods or of the Board of Trade respectively without the consent in
 writing of the Commissioners of Woods or the Board of Trade as the
 case may be on behalf of His Majesty first had and obtained for that
 purpose (which consent the said Commissioners and Board are hereby
 15 respectively authorised to give).

21. Save and so far as may be necessary to give effect to this
 Order nothing herein contained shall prejudice or affect the rights of
 the Conway Fishery Board and the Lancashire and Western Sea
 Fisheries Joint Committee within the limits of their jurisdiction
 20 respectively. •

22. This Order may be cited as the Conway Mussel Fishery Order
 1912.

Made by the Board of Agriculture and Fisheries under the Sea
 Fisheries Act 1868 and the Acts amending that Act this
 25 twenty-first day of May one thousand nine hundred and
 twelve.

(L.S.)

(Signed) T. H. ELLIOTT
 Secretary.

**Sea Fisheries (Conway)
Provisional Order.**

A

B I L L

INTITULED

An Act to confirm a Provisional Order
under the Sea Fisheries Act 1868
relating to mussel fisheries in the
estuary of the River Conway.

(Brought from the Commons 4th July 1912.)

Ordered to be printed 4th July 1912.

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(103)

[2 & 3 GEO. 5.] *Sea Fisheries (Lynn) Provisional Orders.* 1

A

B I L L

INTITULED

An Act to confirm two Provisional Orders under the Sea Fisheries Act 1868 relating to oyster and mussel fisheries in the estuary of the Wash in the county of Norfolk. A.D. 1912.

WHEREAS the Board of Agriculture and Fisheries have made the Provisional Orders set forth in the schedule hereto under the provisions of the Sea Fisheries Act 1868: 31 & 32 Vict.
c. 45.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

Be it therefore 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:—

10 **1.** The Orders as amended and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Order in
schedule
confirmed.

2. This Act may be cited as the Sea Fisheries (Lynn) Provisional Orders Confirmation Act 1912. Short title.

A.D. 1912.

SCHEDULE.LYNN DEEPS FISHERY ORDER 1912.

“The Lynn Deeps Fishery Order 1872” confirmed by the Oyster and Mussel Fisheries Orders Confirmation Act 1872 (No. 1) is hereby amended so as to be in the following terms namely:—

Limits of fishery.

1.—(1) The following are the description and limits of the fishery (as coloured pink and green on a plan deposited at the Board of Agriculture and Fisheries (herein-after called the Board) and marked “Lynn Deeps Fishery Order 1872–1912”) namely:—All those parts of the foreshore and bed of the haven and estuary generally known as Lynn Deeps situate in the county of Norfolk and containing an area of one hundred and seven nautical square miles or thereabouts and bounded as follows that is to say commencing on the east by the line of ordinary high-water mark from the lower or northernmost end of the east bank of the Norfolk Estuary Marsh Cut and proceeding in an easterly direction in a direct line towards North Wootton Church in the county of Norfolk to high-water mark on the main land or sea bank there and thence in a north-easterly direction along the line of high-water mark to the Wolferton Creek and thence following the course at low water of the said creek to the point where the water of this creek discharges itself into the Old Channel thence in a northerly and north-easterly direction along the line of ordinary low-water mark by the western side of the Stubborn Sand and so on by the line of ordinary low-water mark along Hunstanton and Holme Beach to a place called St. Edmund’s Ness otherwise Gore End or Gore Point thence by an imaginary line drawn in a north-easterly direction to the buoy marked in Staff-Commander Calver’s amended Admiralty Chart of 1867 as the The Lynn Outer Knock Buoy thence in a north-westerly direction to Boston Outer Dog’s Head Buoy as marked on the same chart thence along the eastern limit of the Boston Fishery as defined in “The Boston Deeps Fishery Order 1870” (confirmed by “The Oyster and Mussel Fisheries Orders Confirmation Act 1870 No. 1”) by an imaginary line drawn across the two sands known as the Dog’s Head Sand and the Long Sand to the Roger Buoy situated at the south-east point of the sand called the Roger Sand and known as the Roger Point thence by an imaginary line to the Outer Gat Buoy situated at the extremity of the sand known as the Gat Sand thence by an imaginary line drawn in a southerly direction to the buoy known as the Wisbech Bar Buoy and thence leaving the eastern limit of the Boston Fishery by an imaginary line drawn in a southerly direction passing by the Life Beacon and westward of the Bell Buoy and Little Bell Buoy across the middle of the Westmark Knock Sand to a

[2 & 3 GEO. 5.] *Sea Fisheries (Lynn) Provisional Orders.* 3

point midway between the Lynn Pilot Vessel as marked in the said Admiralty chart and the northern extremity of the Wisbech Cut and thence in a south-easterly direction across the Hull Sand to a point at high-water mark on the main land or sea bank where Terrington
 5 St. Clement's Church in the county of Norfolk bears due south and thence following the line of ordinary high-water mark in an easterly direction to the point of commencement at the lower or northernmost end of the Estuary Marsh Cut (but excluding the marsh lands containing five hundred and forty-nine acres two roods and twenty-seven
 10 perches or thereabouts sold in the year one thousand eight hundred and sixty-seven by George William Pierrepoint Bentinck Esquire to James Walker Esquire since deceased).

(2) If there is any discrepancy between the plan and this description the plan shall prevail.

15 2.—(1) The local fisheries committee for the Eastern Sea Fisheries District (herein-after called the Grantees) shall be the Grantees of this Order and any expenses incurred by the Grantees under this Order or in obtaining this Order so far as they cannot be defrayed out of tolls or other moneys payable to the Grantees under this Order shall be
 20 defrayed as expenses incurred under the Sea Fisheries Regulation Acts 1888 to 1894.

(2) The expression "Eastern Sea Fisheries District" means the district which for the time being is defined under the Sea Fisheries Regulation Act 1888 and comprises the fishery to which this Order
 25 relates.

3. Save as herein-after provided no person shall—

- (i) dredge or fish for or take oysters or mussels within the fishery during the months of May June July or August in any year ;
 30 (ii) remove from the fishery or from one part of the fishery to another part thereof—
- (A) any oyster which will pass through a circular ring of two and a half inches in internal diameter or
 (B) any mussel less than two inches in length or
 35 (C) any culch ;
- (iii) dredge or fish for or take any oyster or mussel in contravention of any byelaw for the time being in force under this Order or by means of any sea fishing boat or instrument not marked in accordance with any such
 40 byelaw.

4. Subject to such rules as shall be prescribed by the Board the Grantees may from time to time make byelaws to be observed within
 Power to make byelaws.

4 *Sea Fisheries (Lynn) Provisional Orders.* [2 & 3 GEO. 5.]

A.D. 1912. the whole or any specified part of the fishery for all or any of the following purposes:—

- (i) For prohibiting for a period prescribed in the byelaw the fishing for oysters or mussels provided that no such prohibition shall be for a longer continuous period than three 5 years and that not more than one-third of the whole area of the fishery shall at any one and the same time be subject to such prohibition;
- (ii) For varying the period during which and the sizes at which it is prohibited by Article 3 of this Order to dredge or 10 fish for or take or remove oysters or mussels;
- (iii) For determining the marks to be attached or affixed to or painted on sea fishing boats licensed under this Order when used in the fishery or the sails or gear thereof when such sea fishing boats are not registered under the Sea Fisheries 15 Act 1868 or the Merchant Shipping Acts 1894 to 1907 or any regulations made under any of those Acts;
- (iv) For determining the description of dredges or other fishing instruments to be used in the fishery and the marks to be affixed thereto; 20
- (v) For regulating generally the manner of dredging or fishing for or taking oysters or mussels.

Such byelaws shall not be of any effect until confirmed by the Board but when so confirmed they shall be deemed to be and shall have effect as restrictions imposed or regulations made by this Order provided that 25 such byelaws shall be revised from time to time when and as required by the Board and any byelaw may at any time be cancelled by the Board by a certificate in that behalf and shall thereupon cease to have effect.

The production of a copy of any such byelaw or certificate pur- 30 porting to be signed by a Secretary or Assistant Secretary of the Board shall be conclusive evidence of the byelaw and of the due making and confirmation thereof or of the issue of the certificate as the case may be.

Licences. 5.—(1) Save as herein-after provided no person shall dredge or fish for or take oysters or mussels within the fishery without a licence. 35

(2) Licences to dredge or fish for or take oysters and mussels at any time or place at which it is not otherwise prohibited to dredge or fish for or take oysters or mussels respectively shall be issued by the Grantees to any person applying for the same and paying the tolls herein-after prescribed. 40

(3) A licence shall authorise the use of dredges and of a sea fishing boat manned by a crew of not more than four persons.

[2 & 3 GEO. 5.] *Sea Fisheries (Lynn) Provisional Orders.* 5

(4) A licence shall be available only for the period and for the use of the sea fishing boat and of the number of dredges specified therein provided that a licence to use a sea fishing boat other than a row boat shall authorise the crew thereof to use one row boat but
5 such row boat shall not unless separately licensed carry oysters or mussels at the same time as such sea fishing boat. A.D. 1912.

(5) A sea fishing boat being a row boat shall not be used in connexion with another sea fishing boat not separately licensed.

(6) Where a licence has been lost or accidentally destroyed a new
10 licence in substitution therefor shall on application by the licensee be issued to him on the payment to the Grantees of a fee of one shilling.

(7) Licences shall be in a form approved by the Board.

6.—(1) Save as herein-after provided there shall be paid in respect
15 of such licences and before they are issued the following tolls:— Tolls payable on licences.

For a licence for the whole season viz. during such period as may be open for fishing from the First day of September to the Thirtieth day of April following both days inclusive for each and every sea fishing boat for every ton or part of a ton that
20 the boat licensed is capable of carrying three shillings.

For a licence to fish for one month for every ton or part of a ton that the boat licensed is capable of carrying ninepence.

For each and every dredge exceeding three in number used by any sea fishing boat ten shillings.

25 And in addition a fee of one shilling shall be paid to the Grantees upon the issuing of each licence.

(2) All tolls arising under this Order shall be applied to the improvement and cultivation of the fishery.

7. The Grantees may from time to time revise the tolls leviable
30 under this Order either by increasing or diminishing the amount thereof or by varying the periods in respect of which the same are levied or otherwise provided that any such revision or variation shall be made and may be proved in evidence in the same manner and subject to the same rules as if such revision or variation were a
35 byelaw made under this Order. Power to revise tolls with consent of Board of Agriculture and Fisheries.

8. The Grantees may by a written authority under the hand of their clerk authorise any person to dredge fish for and take undersized oysters or mussels or culch at any time specified in the authority for the purpose of removing the same to a fishery within the Eastern Sea Fisheries District
40 but for no other purpose and where such authority is granted Article 3 Exceptions.

6. *Sea Fisheries (Lynn) Provisional Orders.* [2 & 3 GEO. 5.]

A.D. 1912. — of this Order and any byelaw made under this Order shall not apply to the dredging or fishing for or the taking or removing oysters or mussels or culch under the authority and in accordance with the conditions (if any) contained in the authority.

Riddlings to be spread on the mussel beds. 9. All persons dredging fishing for or taking mussels from the fishery or bringing mussels within the limits of the fishery and riddling sorting or sifting the same within the limits of the fishery shall forthwith spread thinly and evenly upon the mussel beds within the fishery the riddlings sortings and siftings arising therefrom. 5

Refuse to be deposited at appointed places only. 10. No person shall deposit within the limits of the fishery any substance dredged up therefrom except at such places and in such manner as may from time to time be appointed by the Grantees. 10

Power to appoint water-bailiffs. 11.—(1) The Grantees may from time to time appoint suspend or remove and again appoint a water-bailiff or water-bailiffs.

(2) Every such water-bailiff shall have the following powers that is to say he may within the fishery enter any sea fishing boat used for fishing therein examine the catches nets and fishing implements and gear of any such boat seize oysters or mussels or culch illegally taken or removed within or from the fishery and do all other lawful acts for giving effect to the provisions of this Order and of Part III. of the Sea Fisheries Act 1868. 15 20

(3) For such purposes he shall be deemed to be a constable and shall have within the fishery the same powers and privileges and be subject to the same liabilities as a constable duly appointed has and is subject to in his constablewick at common law or by statute. 25

(4) Where a water-bailiff has reasonable cause to suspect any person of having offended against any of the provisions of this Order or against any byelaw or regulation made thereunder he may require such person to state correctly his Christian name surname and place of abode and any person refusing or omitting when so required to state correctly his name and place of abode or wilfully continuing to offend after having been required by a water-bailiff to desist may be apprehended by any water-bailiff or by any person acting in the presence of and by order of a water-bailiff and conveyed before a justice of the peace to be dealt with according to law. 30 35

(5) A water-bailiff may require any person dredging or fishing for or taking oysters or mussels within the fishery to produce his licence and any person when so required shall desist from fishing till the same is produced.

Transfer of documents. 12. On the confirmation of this Order all books accounts and documents relating to the fishery in the possession of the Corporation of the Borough of King's Lynn as Grantees under the Lynn Deepes 40

[2 & 3 GEO. 5.] *Sea Fisheries (Lynn) Provisional Orders.* 7

Fishery Order 1872 shall be delivered by the said Corporation to the Grantees. A.D. 1912.

13. The limits of the fishery shall be marked out in such manner as the Board may from time to time direct. Marking of limits.
- 5 14. No buildings erections embankments or other works shall at any time be commenced or executed within the fishery without the previous sanction and approval in writing of the Board of Trade. Works not to be commenced without sanction of Board of Trade.
- 10 15. The Grantees shall render to the Board on the Thirty-first day of August in every year accounts of their income and expenditure under this Order and all other information required by the Board with reference to the fishery in such form as the Board may from time to time require and shall allow the Board or any person appointed by them in that behalf to inspect the fishery and all books accounts and other documents in the possession of the Grantees relative to the fishery and shall give to such Board or person all such information relating thereto as they or he may require. Grantees to give accounts of expenditure and income and other information.
- 15 16. The Board may at any time make an Order or Orders conferring a right or rights of several oyster mussel and cockle fishery within any portion of the fishery and all the powers and provisions contained in this Order shall be subject to the power of the Board to make such Order or Orders and to any alteration which may be consequent thereon. Power reserved to grant several oyster mussel and cockle fishery within prescribed limits.
- 20 17. Subject to the provisions of section 45 of the Sea Fisheries Act 1868 and of section 2 of the Oyster and Mussel Fisheries Orders Confirmation Act 1869 (No. 2) this Order shall continue in operation until the Twenty-third day of April One thousand nine hundred and thirty-two. Duration of Order.
- 25 18. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866. Saving rights under the Crown Lands Act 1866.
- 30 19.—(1) Any byelaw made or licence or authority issued or limit marked under the Lynn Deepes Fishery Order 1872 and in force at the date of the commencement of this Order shall have effect as if it had been made or issued or marked under this Order. Saving of byelaws and licences &c.
- 35 (2) Nothing in this Order shall affect any right liability or penalty acquired or incurred under the Lynn Deepes Fishery Order 1872 before the date of the confirmation of this Order or any penalty in respect thereof and the same may be enforced as if this Order had not been confirmed.
- 40 20. Nothing contained in this Order shall in any manner lessen or take away any of the rights powers or privileges now exercised or which Saving of rights of Norfolk

A.D. 1912. may be exercised by the Norfolk Estuary Company under any Act of
 Estuary Parliament now in existence or under any Act containing or relating
 Company. to such powers.

Saving of 21. This Order shall not affect the charge created in favour of or
 rights of the the compensation payable to His Majesty under the provisions of the 5
 Crown. Norfolk Estuary Act 1899 and shall not extend to take away prejudice
 diminish or alter any right of reverter of lands to His Majesty His
 heirs and successors under the same Act or any other estate right
 privilege power or authority vested in or enjoyed or exercisable by
 His Majesty His heirs or successors. 10

Short title. 22. This Order may be cited as "The Lynn Deeps Fishery Order
 1912."

Made by the Board of Agriculture and Fisheries under the Sea
 Fisheries Act 1868 and the Acts amending that Act this
 Sixteenth day of May One thousand nine hundred and 15
 twelve.

(L.S.)

T. H. ELLIOTT
 Secretary.

LYNN SEVERAL FISHERY ORDER 1912.

"The Lynn Fishery Order 1906" confirmed by the Sea 20
 Fisheries Provisional Order Confirmation Act 1906 is hereby amended
 so as to be in the following terms namely:—

Grantees of 1.—(1) The local fisheries committee for the Eastern Sea Fisheries
 Order. District (hereinafter referred to as "the Grantees") shall be the Grantees
 of this Order but nothing herein contained shall authorise the Grantees 25
 to defray their expenses under this Order as expenses incurred under
 the Sea Fisheries Regulation Acts 1888 to 1894.

(2) The expression "Eastern Sea Fisheries District" means the
 District which for the time being is defined under the Sea Fisheries
 Regulation Act 1888 and comprises the area within the limits of this 30
 Order.

(3) The Grantees are for the purposes of this Order constituted a
 body Corporate under the name of the Lynn Fishery Grantees having
 perpetual succession and a common seal with power to make contracts
 and to sue and be sued in that name. 35

[2 & 3 GEO. 5.] *Sea Fisheries (Lynn) Provisional Orders.* 9

2. The limits of the area within which the rights and powers conferred by this Order may be exercised (herein referred to as "the limits of this Order") are shown on a plan sealed by the Board of Agriculture and Fisheries (hereinafter referred to as "the Board") and marked "Corporation of King's Lynn Several Mussel Fishery in the Estuary of the Wash in the County of Norfolk 1906-1912."

A.D. 1912.
Limits of
Order.

3. The Grantees may from time to time and as occasion may require—

10 (a) with the written consent of the Board set and mark out as reserves such portions of the area within the limits of this Order as they may think necessary for experimental or scientific purposes in connexion with the propagation cultivation breeding fattening or gathering of

15 mussels and may use such reserves for the purposes aforesaid; and

(b) set and mark out such portions of the area within the limits of this Order (in this Order referred to as "layings") as they may think fit for the purpose of being leased as lays or layings or breeding or fattening grounds for

20 the cultivation of mussels:

Reserves and
layings.

Provided that no laying shall be set or marked out so as to include any portion of an existing mussel scalp or oyster or cockle bed and if any question shall arise as to the existence or

25 boundaries of a mussel scalp or oyster or cockle bed such question may be determined for the purposes of this Order by the Board.

4. This Order confers on the Grantees a right of several mussel fishery within such reserves and layings as may for the time being be set or marked out in accordance with the provisions of

30 this Order and for the purposes of the Sea Fisheries Acts 1843 to 1893 the limits of such reserves and layings shall be the limits of the several fishery hereby conferred:

Several
Fishery.

Provided that the right of several fishery shall not be exercised by the Grantees themselves within any laying.

35 5.—(1) The Grantees may by public auction to be held at King's Lynn or by public tender open to all persons offer leases of layings upon such terms for such period and subject to such conditions as may be determined by the Grantees and the Grantees may also with the sanction of the Board carry out leases of layings

40 by private treaty:

Leasing of
layings.

Provided that there shall not be leased to any one person or group of persons whether by means of one or more leases and

10 *Sea Fisheries (Lynn) Provisional Orders.* [2 & 3 GEO. 5.]

A.D. 1912. whether in single layings or otherwise an area larger than one acre
— in extent without the approval of the Board.

(2) Upon the execution of a lease or agreement for a lease of a laying there shall by virtue thereof be transferred to and vested in the tenant as respects the laying the right of several fishery therein as if he were the grantee of an Order under the Sea Fisheries Acts 1843 to 1893 conferring on him a right of several mussel fishery within the laying and as if any regulations restrictions terms and conditions comprised in the lease or agreement were restrictions and exceptions contained in that Order. 5 10

(3) The execution of any such lease or agreement shall except as may otherwise be provided thereby be taken to be a consent on behalf of the tenant to all byelaws under the Sea Fisheries Regulation Acts 1888 to 1894 or under the Lynn Deeps Fishery Order 1872 or any Order amending that Order for the time being in force within the limits. 15

(4) The conditions of sale or tender under this Article shall be approved by the Board.

Marking of limits.

6.—(1) The limits of this Order and the limits of every reserve and laying in respect of which there is for the time being a right of several fishery under this Order shall be marked out in such manner as the Board may from time to time require whether by notice boards or otherwise and any notice board marking out the limits of this Order shall if the Board so require contain a notice setting forth that the Grantees have power to let layings under this Order and specifying the effect of a lease under this Order and the name and address of the person to whom persons desiring leases are to apply. 20 25

(2) Any notice and notice board or other marks required by the Board shall be placed and maintained by the Grantees and in the event of any such notice or notice board or mark being removed obliterated or damaged it shall forthwith be replaced by the Grantees. 30

Maintenance of boundaries.

7. The Grantees or their lessees may construct and maintain such works as may be necessary for marking the boundaries of or between any reserves and layings under this Order. 35

Consent to works of Board of Trade.

8. No buildings erections embankments or other works shall at any time be commenced or executed by the Grantees or their lessees within the limits of this Order without the previous consent in writing of the Board of Trade. 40

[2 & 3 GEO. 5.] *Sea Fisheries (Lynn) Provisional Orders.* 11

9.—(1) The sanction of the Board shall not be given to setting or marking out any reserve under Article 3 of this Order except on the written application of the Grantees.

A.D. 1912.
Sanction of Board to setting out reserves and layings.

(2) The application shall be made and advertised in accordance with such regulations as may be made in that behalf by the Board and the Board before giving their sanction may cause such local inquiry as they think fit to be held with respect thereto.

(3) The sanction of the Board if given shall have effect as if it were contained in this Order.

10 10. This Order shall not affect the powers of the Grantees under the Lynn Deeps Fishery Order 1872 or any Order amending that Order or the operation of any byelaws made thereunder except (as respects any laying) to the extent specified in the lease or agreement under which the laying is held.

Saving of powers under Lynn Deeps Fishery Order.

15 11. The Grantees shall apply the rents and revenues received under this Order to all or any of the following purposes :—

Application of revenue.

(1) Placing and maintaining the notices notice boards and other marks above mentioned and in setting and marking out constructing and maintaining the divisions or boundaries of or between reserves and layings:

20 (2) Making and maintaining mussel beds and in propagating cultivating breeding fattening and gathering mussels for that purpose :

25 (3) Payment of their costs and expenses incidental to obtaining this Order or to the management and improvement of the several fishery or to any other purpose of this Order.

30 12. In the event of any question arising as to the obligations of the Grantees under the foregoing articles or the due observance or performance of any of the restrictions provisions or conditions contained in this Order the question shall be referred to the Board whose decision shall be accepted by all parties as final and conclusive without prejudice however to the powers of the Board under the provisions of Section 45 of the Sea Fisheries Act 1868 and of the Lynn Deeps Fishery Order 1872 or any Order amending that Order.

Settlement of questions.

35 13. The Grantees shall if required by the Board render to the Board such accounts of their expenditure and income and of all mussels sold by them or their lessees in such form and at such times as the Board may require and shall allow the Board or any person appointed by them to inspect the several fishery and all books and documents in their possession relating thereto and shall give the Board or such person 40 all such information relating thereto as he or they may require.

Accounts.

12 *Sea Fisheries (Lynn) Provisional Orders.* [2 & 3 GEO. 5.]

- A.D. 1912. 14. Subject to the provisions of Section 45 of the Sea Fisheries
Duration of Act 1868 this Order shall continue in operation until the twenty-third
Order. day of April nineteen hundred and thirty-two.
- Crown 15. Nothing in this Order affects prejudicially any estate right
rights. power privilege or exemption of the Crown and in particular nothing 5
herein contained authorises the Grantees to take use or in any manner
interfere with any portion of the shore or bed of the sea or of any river
channel creek bay or estuary or any land hereditaments subjects or
rights of whatsoever description belonging to His Majesty in right of
His Crown and under the management of the Commissioners of Woods 10
or of the Board of Trade respectively without the consent in writing
of the Commissioners of Woods or the Board of Trade as the case may
be on behalf of His Majesty first had and obtained for that purpose
(which consent the said Commissioners and Board are hereby
respectively authorised to give). 15
- Saving of 16. Nothing in this Order contained shall take away lessen prejudice
rights of King's Lynn Conservancy Board. or interfere with any of the rights powers authorities liberties (if any)
of the King's Lynn Conservancy Board.
- Saving of 17. Nothing contained in this Order shall in any manner lessen
rights of Norfolk Estuary Company. or take away any of the rights powers or privileges now exercised or 20
which may be exercised by the Norfolk Estuary Company under any
Act of Parliament now in existence or under any Act continuing or
relating to such powers and no reserve or laying shall be set or marked
out under this Order on any portion of the tracts of land vested in the
said Norfolk Estuary Company under their Acts of Parliament or 25
otherwise except under and in accordance with the terms of a lease or
licence in writing granted by that Company or until such portion of
the said tracts of land shall have been purchased by the Grantees and
for the purposes of any such purchase the Lands Clauses Acts (except
Section 127 of the Lands Clauses Consolidation Act 1845) shall be 30
incorporated with this Order and shall be read as if this Order were
"the special Act" and the Grantees were "the promoters of the under-
taking" and as if "lands" included sands covered by the sea partly
or wholly.
- Saving of 18. This Order shall not affect the charge created in favour of or 35
rights of the Crown. the compensation payable to His Majesty under the provisions of the
Norfolk Estuary Act 1899 and shall not extend to take away prejudice
diminish or alter any right of reverter of lands to His Majesty His
heirs and successors under the same Act or any other estate right
privilege power or authority vested in or enjoyed or exerciseable by His 40
Majesty His heirs or successors.
- Provisions 19.—(1) On the confirmation of this Order all moneys in the
regulating transfer of Order. possession of the Corporation of the Borough of King's Lynn by virtue
of the provisions of the Lynn Fishery Order 1906 after the discharge

[2 & 3 GEO. 5.] *Sea Fisheries (Lynn) Provisional Orders.* 13

of any liabilities incurred by the Corporation under the Lynn Fishery Order 1906 which may be outstanding shall be paid and all books accounts and documents relating to the fishery shall be delivered by the said Corporation to the Grantees and any moneys so paid to the
 5 Grantees shall be applied by them as rents and revenues received under this Order.

(2) Any reserve or laying or limit set out or marked under the Lynn Fishery Order 1906 shall be treated as set out or marked by the Grantees under this Order and any lease or agreement for a lease
 10 executed by or on behalf of the Corporation of the Borough of King's Lynn under the first-mentioned Order or any contract with the Corporation thereunder shall if in force at the date of the confirmation of this Order bind and inure for the benefit of and be enforceable by the Grantees in the place of the Corporation.

15 20. This Order may be cited as "The Lynn Several Fishery Order 1912." Short title.

Made by the Board of Agriculture and Fisheries under the Sea Fisheries Act 1868 and the Acts amending that Act this Sixteenth day of May One thousand nine hundred and twelve.

(L.S.)

T. H. ELLIOTT
 Secretary.

Sea Fisheries (Lynn) Provisional Orders.

A

B I L L

INTITLED

An Act to confirm two Provisional Orders under the Sea Fisheries Act 1868 relating to oyster and mussel fisheries in the estuary of the Wash in the county of Norfolk.

(Brought from the Commons 25th June 1912.)

Ordered to be printed 25th June 1912.

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(87)

[2 & 3 GEO. 5.] *Seal Fisheries (North Pacific)*. [H.L.]

A

B I L L

INTITULED

An Act to make such provisions with respect to the prohibition of catching Seals and Sea Otters in certain parts of the Pacific Ocean, and for the enforcement of such prohibitions as are necessary to carry out a Convention between His Majesty the King and the United States of America, the Emperor of Japan, and the Emperor of All the Russias. A.D. 1912.

WHEREAS a Convention has been entered into between His Majesty and the United States of America, the Emperor of Japan, and the Emperor of All the Russias with respect to the prohibition of pelagic sealing in certain parts of the Pacific Ocean, and it is desirable that such amendments of the law should be made as will enable effect to be given to that Convention:

Be it therefore 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:—

1. The seas with respect to which an Order in Council may be made under the Seal Fisheries (North Pacific) Act, 1895, prohibiting the killing, taking, and hunting of seals therein shall include the seas within such part of the Pacific Ocean as is north of the thirtieth parallel of north latitude, including the seas of Behring, Kamchatka, Okhotsk and Japan, and accordingly that Act shall have effect as if in subsection (2) of section seven thereof for the words "within that part of the Pacific Ocean known as Behring's Sea and within

Extension of area within which pelagic sealing may be prohibited. 58 & 59 Vict. c. 21.

A.D. 1912. such other parts of the Pacific Ocean as are north of the forty-second parallel of north latitude" there were substituted the words "within such part of the Pacific Ocean as is north of the thirtieth parallel of north latitude, including the seas of Behring, Kamchatka, Okhotsk and Japan." 5

Power to prohibit killing and hunting of sea otters.

2. His Majesty in Council shall have the like power of making Orders in Council under the said Act as amended by this Act with respect to the killing, taking, and hunting of sea otters within such part of the Pacific Ocean as aforesaid as with respect to the killing, taking, and hunting of seals, and that Act as so amended shall apply accordingly. 10

Prohibition of using ports for purposes of pelagic sealing contrary to Order. 57 & 58 Vict. c. 60.

3.—(1) If any person uses any port within the United Kingdom for the purpose of equipping any ship intended to be used or employed in killing, taking, or hunting seals in contravention of any such Order as aforesaid, he shall be guilty of an offence, and shall be liable to be dealt with as if such offence were an offence declared to be a misdemeanour by the Merchant Shipping Act, 1894, and the ship and her equipment and everything on board thereof shall be subject to forfeiture to His Majesty. 20

(2) If the Secretary of State is satisfied that there is reasonable cause for believing that a ship has been or is being equipped contrary to this section, the Secretary of State may authorise the Board of Trade, or any officer of the Board, to seize and detain the ship. Where such an authority is given the ship may be seized and detained in like manner as if it were liable to seizure and detention under the Merchant Shipping Acts, 1894 to 1907. 25

(3) For the purposes of this section, "equipping" in relation to a ship shall include the furnishing of a ship with any tackle, apparel, furniture, provisions, munitions, fuel or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for killing, taking, or hunting seals. 30

Prohibition of importation of skins of seals captured in contravention of Order.

4. Skins of seals taken in contravention of any such Order as aforesaid, and skins of seals identified as being of the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian, or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as 40

[2 & 3 GEO. 5.] *Seal Fisheries (North Pacific)*.

3

having been so taken, shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

A.D. 1912.

39 & 40 Vict.
c. 36.

5 **5.**—(1) His Majesty may by Order in Council extend the provisions of the last two foregoing sections to any part of His Majesty's dominions outside the United Kingdom to any British protectorate and to Cyprus, subject to such modifications and adaptations as may appear to him to be necessary.

Power to
extend cer-
tain provi-
sions outside
the United
Kingdom.

10 Provided that those provisions shall not be so extended to a self-governing dominion except with the consent of the Governor General in Council or Governor in Council of the dominion.

15 (2) For the purposes of this section, "self-governing dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

20 **6.** This Act may be cited as the Seal Fisheries (North Pacific) Act, 1912, and shall be construed with the Seal Fisheries (North Pacific) Act, 1895; and that Act and this Act may be cited together as the Seal Fisheries (North Pacific) Acts, 1895 and 1912.

Short title
and con-
struction.

Seal Fisheries
(North Pacific). [H.L.]

A

B I L L

INTRODUCED

An Act to make such provisions with respect to the prohibition of catching Seals and Sea Otters in certain parts of the Pacific Ocean, and for the enforcement of such prohibitions as are necessary to carry out a Convention between His Majesty the King and the United States of America, the Emperor of Japan, and the Emperor of All the Russias.

The Lord Herschell.

Ordered to be printed 12th June 1912.

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(69)

Sheffield Corporation Bill.

COMMONS REASONS FOR DISAGREEING TO TWO OF THE LORDS AMENDMENTS.

[*The Commons Reasons are printed in italics.*]

Lords Amendments.

Clause 90, page 57, line 33, leave out (“ sell ”)

Clause 90, page 58, line 6, leave out sub-clause (2) and insert the following new sub-clause (2) :

“(2) The corporation shall not under the powers of this section themselves execute the wiring of private property except between the main of the Corporation and the consumer’s meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property, provided that the contractor acts independently of the Corporation in the execution of the contract. The Corporation shall not under such powers sell any such electrical fittings except through a contractor carrying on his business independently of the Corporation.”

The Commons disagree to these amendments :

1. *Because in 1898 the Sheffield Corporation under express Parliamentary sanction purchased their electricity undertaking which included a wiring and fittings business.*

2. *Because the price paid by the Corporation for the wiring and fittings business was £13,344 and further capital to the extent of upwards of £7,000 has been invested therein and the said sums were borrowed with the sanction of the Local Government Board.*

3. *Because the Corporation carried on and developed the business bona fide believing themselves to have the necessary powers until the beginning of this year when the courts decided otherwise notwithstanding proceedings pending since 1906.*

4. *Because there is only one electrical contractor in Sheffield who commenced business before the wiring and fittings business was established, and only 15 who commenced*

business prior to the acquisition of the business by the Corporation.

5. *Because the Corporation have conducted the business so that it has never been a charge upon the rates, but on the contrary, has contributed towards the other portion of their electricity undertaking.*

6. *Because the Committee of the House of Commons after hearing opponents and fully considering the matter, were of opinion that the powers should be granted, and Sir Henry Kimber, the Chairman of the Committee, stated that—*

“ The Committee do not ignore, but they quite recognise the principle of municipal trading not being encouraged beyond what is necessary and expedient in the special circumstances of this case for the inhabitants ”

Also that—

“ It is a case in which, although there is the objection to municipal trading in principle, yet in the circumstances which have transpired in the course of the last 14 years, including the fact that Parliament in 1903, granted an analogous power as regards motors, powers to sell fittings, and so on, the word ‘ sell,’ giving the power to sell, may be retained in the clause.”

He further stated that—

“ The Committee have given most anxious attention to the principle embodied in the model clause of avoiding municipal trading, but we think this, as an exceptional case, might be allowed.”

Sheffield Corporation Bill.

AMENDMENT TO BE MOVED ON CONSIDERATION OF
COMMONS REASONS FOR DISAGREEING WITH CERTAIN
OF THE LORDS AMENDMENTS

BY

THE LORD SOUTHWARK.

That this House do not insist upon their amendments disagreed to by the Commons but propose the following new sub-clause to clause 90 in lieu of sub-clause (2) :

“ (2) The Corporation may enter into contracts for the execution of any of the powers of this section including the wiring of private property. The Corporation shall not under the powers of this section sell any such electrical fittings (other than lamps and electric lines, fuses and switches and such other electrical fittings as are used in connection with the wiring of private property) except through a contractor carrying on his business independently of the Corporation.”

(188 a)

Sheffield Corporation Bill.

AMENDMENT TO BE MOVED ON
CONSIDERATION OF COMMONS REASONS
FOR DISAGREEING WITH CERTAIN OF THE
LORDS AMENDMENTS

BY

THE LORD SOUTHWARK.

21st January 1913.

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(188 a)

A

B I L L

INTITULED

An Act to amend the Sheriff Courts (Scotland)
Act, 1907.

A.D. 1913.

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:—

5 **1.** Section nine, section twenty-eight, and section thirty-two of the Sheriff Courts (Scotland) Act, 1907 (herein-after referred to as the principal Act), are hereby repealed. Repeal of certain sections of the principal Act.

2. In lieu of section twenty-eight there shall be inserted in the principal Act the following section:—

10 “28.—(1) Subject to the provisions of this Act it shall be competent to appeal to the Court of Session against a judgment either of a sheriff or of a sheriff-substitute if the interlocutor appealed against is a final judgment or is an interlocutor— Appeal to Court of Session.

15 (a) Granting interim decree for payment of money other than a decree for expenses; or

(b) Sisting an action; or

20 (c) Against which the sheriff or sheriff-substitute either *ex proprio motu* or on the motion of any party, grants leave to appeal:

25 Provided that no appeal shall be competent where the cause does not exceed fifty pounds in value exclusive of interest and expenses or is being tried as a summary cause unless the sheriff, after final judgment by him on an appeal on the motion of either party made within seven days of the date of the final interlocutor certifies the cause as suitable for appeal to the Court of Session:

(203)

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A.D. 1913.

(2) Nothing in this section nor in section twenty-seven of this Act contained shall affect any right of appeal or exclusion of such right provided by any Act of Parliament in force for the time being."

Amendment of
the principal
Act.

3. The principal Act shall be amended to the extent and effect shown in the First Schedule to this Act. 5

Amendment
of the First
Schedule to
the principal
Act.

4. The First Schedule to the principal Act shall be amended to the extent and effect shown in the Second Schedule to this Act.

Saving for
pending
actions.

5. Nothing in this Act contained shall apply to any action pending in any sheriff court at the commencement of this Act. 10

Procedure at
jury trials.

6. Where a jury trial has been ordered the sheriff shall issue an interlocutor fixing a time and place for the trial, being not sooner than fourteen days from the date of his interlocutor, and at the trial he may, or if required by either party, shall, after the conclusion of the evidence, propone to the jury question or questions of fact to be answered by them, and the jury shall, in their verdict, give specific answers to such question or questions. 15

Short title
and citation.

7. This Act shall come into operation on the first day of May one thousand nine hundred and thirteen and may be cited as the Sheriff Courts (Scotland) Act, 1913; and the principal Act and this Act may be cited together as the Sheriff Courts (Scotland) Acts, 1907 and 1913, and shall be read and construed together as one Act. 20

SCHEDULES.

A.D. 1913.

FIRST SCHEDULE.

[SECTION 3.]

5	Session and Chapter.	Short Title.	Extent of Amendment.
7	Edw. 7. c. 51.	The Sheriff Courts (Scotland) Act, 1907.	<p data-bbox="617 748 1080 1120">Section three, after the word "action" occurring in subhead (d), insert the words "or cause"; omit sub-head (i), and in lieu thereof insert "Summary cause includes actions (other than actions brought and conducted in the small debt court and claims under the Workmen's Compensation Act) for payment of money not exceeding fifty pounds in amount, exclusive of interest and expenses, and all actions in which either the parties admit that the value of the action, exclusive of interest and expenses, does not exceed fifty pounds or which they consent at any stage shall be tried summarily," and at the end of the section insert—</p> <p data-bbox="617 1120 1080 1232">“(g) ‘Employee’ includes the legal personal representative of an employee, and any person who, by the law of Scotland, may be entitled to solatium in respect of the death of an employee.”</p> <p data-bbox="617 1232 1080 1288">Section five, omit subsection (2), and in lieu thereof, insert—</p> <p data-bbox="617 1288 1080 1400">“(2) Actions of aliment, provided that as between husband and wife they are actions of separation and aliment, adherence and aliment, or interim aliment, and actions for regulating the custody of children.”</p> <p data-bbox="617 1400 1080 1512">In the same section and in the last proviso thereof, omit the words from “action” to the end of the section, and in lieu thereof insert “mentioned in the second subsection of this section.”</p> <p data-bbox="617 1512 1080 1691">Section six (a), after the word “defenders” insert the words “over each of whom a sheriff court has jurisdiction in terms of this Act”; omit the words “immediately prior to the raising of the action”; omit the words “and whose present residence in Scotland is unknown,” and insert “and has no known residence in Scotland.”</p> <p data-bbox="617 1691 1080 1747">Section six (b), omit “sheriffdom,” and insert “jurisdiction.”</p> <p data-bbox="617 1747 1080 1792">Section seven, omit the first proviso and the word “also.”</p>
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(203)

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A.D. 1913.

Session and Chapter.	Short Title.	Extent of Amendment.
7 Edw. 7. c. 51— <i>cont.</i>	The Sheriff Courts (Scotland) Act, 1907— <i>cont.</i>	<p>Section eight, after the word "party," insert "made before the examination of witnesses is begun"; omit the last sentence. 5</p> <p>Section twenty-one, leave out "for the county or burgh, respectively, in which he shall be sheriff or salaried sheriff substitute," and insert "occurring within his jurisdiction." 10</p> <p>Section twenty-seven, at the end of the section insert the words, "It shall be competent for the sheriff, when the action is before him on appeal on any point, to open the record <i>ex proprio motu</i>, if the record shall appear to him not to have been properly made up, or to allow further proof." 15</p> <p>Section thirty, after "1880," where first occurring, insert "or at common law." 20</p> <p>Section thirty-one, after "1880," insert "or at common law." 20</p> <p>In the same section omit the words "under head (1)," and also the words "under the other heads before mentioned." 25</p> <p>Section forty, omit the first proviso and the word "also." 25</p>

SECOND SCHEDULE.

[SECTION 4.]

7 Edw. 7. c. 51.	The Sheriff Courts (Scotland) Act, 1907.	<p>First Schedule, omit Rule 2, and in lieu thereof insert— 30</p> <p>"2. There shall be annexed to the initial writ a statement (in the form of an articulate condescendence) of the facts which form the ground of action, and a note of the pursuer's pleas-in-law, which condescendence and note of pleas-in-law shall be held to constitute part of the initial writ." 35</p> <p>Omit Rule 11, and in lieu thereof insert— 40</p> <p>"11. Any individual or individuals, or any corporation or association, carrying on business under a firm or trading or descriptive name may sue or be sued in such name without the addition of the name or names of such individual or individuals or any of them, or of any member or official of such corporation or association, and any extract of a 45</p>
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Session and Chapter.	Short Title.	Extent of Amendment.
7 Edw. 7. c. 51— <i>cont.</i>	The Sheriff Courts (Scotland) Act, 1907— <i>cont.</i>	<p>decree pronounced in the Sheriff Court, or of a decree proceeding upon any deed, decree arbitral, bond, protest of a bill, promissory note or bankers note, or upon any other obligation or document on which execution may competently proceed, recorded in the Sheriff Court books against such individual or individuals, or against such corporation or association, under such firm, trading, or descriptive name, shall be a valid warrant for diligence against such corporation, association, or firm, and such individual or individuals. Citation in any action may be made at the principal place where such business is carried on (including the place of business or office of the clerk or secretary of any corporation or association) when such place is within the jurisdiction of the Sheriff Court in which such action is brought or otherwise at any place of business or office at which such business is carried on within the jurisdiction of such Sheriff Court."</p> <p>16. At end, insert "All remedies (including "caption) competent to enforce the return "of a borrowed process may proceed on the "warrant of the court from whose custody "the process was obtained, and that whether "the borrower is or is not resident within its "jurisdiction."</p> <p>22. Omit "lodge with the Sheriff Clerk," and insert "exhibit to the Sheriff Clerk the "service copy of the writ and lodge with "him."</p> <p>Omit Rule 23, and in lieu thereof insert— "23. If the defender does not lodge a notice of appearance, or does not answer, the sheriff may, at any time after the expiry of the induciae, upon a written craving being endorsed on the initial writ by the pursuer or his agent, decern in terms of the crave of the initial writ, and, at the same time or thereafter, for expenses as the same may be certified by a note endorsed upon the initial writ by the auditor of court subject to any restriction so endorsed or set forth in a minute by the pursuer or his agent: provided that this rule shall not apply to actions of separation and aliment, adherence and aliment, or interim aliment, or to actions regulating the custody of children."</p> <p>33. Omit the words "upon a reponing note or."</p> <p>Omit Rule 41, and in lieu thereof insert— "41. In a summary cause the Sheriff may order defences if he thinks fit or may make</p>

A.D. 1913.

Session and Chapter.	Short Title.	Extent of Amendment.
Edw. 7. c. 51— <i>cont.</i>	The Sheriff Courts (Scotland) Act, 1907— <i>cont.</i>	<p>or certify a note upon the writ or separately of the defender's pleas, and may appoint a diet for the trial of the cause, or may order such other procedure as the circumstances seem to him to require." 5</p> <p>Omit Rules 42 to 46 inclusive, and in lieu thereof insert—</p> <p>"42. In all other defended actions the defender shall at the tabling of the action or within six days thereafter lodge defences." 10</p> <p>"43. Defences shall be in the form of articulate answers to the condescendence and shall have appended a note of the defender's pleas-in-law and, where necessary, or where a counter-claim is made a separate statement of facts founded on by the defender which shall be set forth succinctly." 15</p> <p>"44. Every statement of fact made by one party shall be answered by the other party, and if a statement made by one party of a fact within the knowledge of the other party is not denied by that other party the latter shall be held as admitting the fact so stated." 20</p> <p>"45. Upon defences being lodged the Sheriff Clerk shall enrol the action for adjustment at an ordinary court held on a day occurring not less than four days thereafter. Such adjustment shall not be adjourned more than once except on special cause shown." 25</p> <p>"46. In every defended action the pursuer shall, after defences have been lodged, and before the diet for adjustment, lodge in process a copy of the initial writ and warrant thereon, certified by him or his agent, which may thereafter be borrowed by the agent of any party to the process, and such certified copy shall be sufficient warrant where competent to arrest on the dependence. Separate precepts of arrestment may be issued by the Sheriff Clerk upon production to him of a writ containing pecuniary conclusions upon which a warrant of citation has been granted, or of a liquid document of debt." 30</p> <p>Omit Rule 52, and in lieu thereof insert—</p> <p>"52. When the pleadings have been adjusted the Sheriff shall close the record; and not later than six days thereafter the pursuer shall lodge in process a certified copy of the closed record." 35</p> <p>76. Omit "confidentially" and insert "confidentiality." 40</p> <p>86. At end of rule, insert "provided that an interlocutor granting interim interdict may be appealed within fourteen days from the date of intimation thereof." 45</p> <p>89, 90. Omit "reclaiming note" and insert "reclaiming petition." 50</p>

A.D. 1913.

Session and Chapter.	Short Title.	Extent of Amendment.
7 Edw. 7. c. 51— <i>cont.</i> 5	The Sheriff Courts (Scotland) [Act, 1907— <i>cont.</i>	Omit Rule 119, and in lieu thereof, insert— “119. Except as hereinafter provided such action for summary removing shall be conducted and disposed of in the summary manner in which proceedings are conducted under the Small Debt Acts, and shall not be subject to review.”
10		Omit Rule 121, and in lieu thereof insert— “121. In all such actions for summary removing where the defender has found caution for violent profits or where such caution has been dispensed with he shall be entitled to give in written answers.
15		Omit Rule 127, and in lieu thereof insert— “127. An arrestment on the dependence of an action used prior to service shall fall unless the action shall have been served within twenty days from the date of execution of arrestment; and in the case of defended actions tabled within twenty days of the first ordinary court day, occurring subsequent to the expiry of the <i>induciæ</i> , and in the case of undefended actions decree in absence be taken within twenty days of the expiry of the <i>induciæ</i> , and when such an arrestment has been executed the party using it or his agent shall forthwith report the execution to the sheriff clerk.”
20		Omit Rule 136.
25		Omit Rule 140.
30		Omit Rule 144.
35		Omit Rule 151, and in lieu thereof insert— “151. It shall be competent to charge any corporation or association or any individual or individuals carrying on business under a firm or trading or descriptive name under such name at the principal place where such business is carried on (including in the case of a corporation or association the place of business or office of their clerk or secretary) or where such principal place of business is furth of Scotland, at any place of business in Scotland at which such business is carried on.
40		152. Omit “sheriffdom,” and insert “county.”
45		153. Omit “sheriffdom,” and insert “county or district.”
50		158. Omit “sheriffdom,” and insert “county.” Omit Form A, and in lieu thereof insert—
		“FORM A.
		Sheriffdom of _____ at A.B. [<i>design him; if he sues in any special character set that forth; also, where neces-</i>

[2 & 3 GEO. 5.]

Sheriff Courts (Scotland).

9

A.D. 1913.

Session and Chapter.	Short Title.	Extent of Amendment.
<p>5</p> <p>10</p> <p>15</p>	<p>7 Edw. 7. c. 51—<i>cont.</i></p> <p>The Sheriff Courts (Scotland) Act, 1907—<i>cont.</i></p>	<p>(c) That evidence was unduly admitted [or rejected] in regard to [here set forth shortly the fact in regard to which the evidence was admitted or rejected].</p> <p>(d) That the sheriff misdirected the jury in regard to [here state shortly the point of law alleged to be mis- direction].</p> <p>(e) That the damages awarded by the jury were excessive. M.P., pursuer [or other party]. or X.Y. [signature and business address]. Agent for the</p>

**Sheriff Courts
(Scotland).**

A

B I L L

INTITULED

An Act to amend the Sheriff Courts
(Scotland) Act, 1907.

(Brought from the Commons 4th February 1913.)

Ordered to be printed 4th February 1913.

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(203)

Sheriff Courts (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD CHANCELLOR.

Clause 2, page 1, line 18, after (“(c)”) insert (“Refusing a reponing note; or (d)”)

First Schedule, page 4, line 11, after (“twenty-seven”) insert (“after (E) insert ‘Refusing a reponing note; or (F)’ and”)

(203 a)

**Sheriff Courts
(Scotland) Bill.**

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD CHANCELLOR.

17th February 1913.

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(203 a)

A

B I L L

INTITULED

An Act to amend the Shops Act, 1912, in its application A.D. 1912.
to premises for the sale of refreshments. —

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:—

- 5 1.—(1) The provisions of section one of the Shops Act, 1912, shall not apply to shop assistants employed in any premises for the sale of refreshments, whether licensed for the sale of intoxicating liquor or not, if their employment is wholly or mainly in connexion with the sale of intoxicating liquors
- 10 or refreshments for consumption on the premises, and if the occupier of the premises, by such a notice as is hereinafter mentioned, signifies that he elects that instead of those provisions the following provisions shall apply:—
- (a) No such assistant shall be employed for more than
- 15 sixty-five hours in any week exclusive of meal times:
- (b) Provision shall be made for securing to every such assistant—
- (i) thirty-two whole holidays on a week day in every year, of which at least two shall be given within the currency of each month and which shall
- 20 comprise a holiday on full pay of not less than six consecutive days;
- (ii) twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole
- 25 holiday:
- (212) +—

Special provisions as to persons engaged in the sale of refreshments.

A.D. 1912.

Provided that two half holidays on a week day shall be deemed equivalent to one whole holiday on a week day :

- (c) Intervals for meals shall be allowed to every such assistant amounting on a half holiday to not less than three-quarters of an hour, and on every other day to not less than two hours, and no assistant shall be employed for more than six hours without being allowed an interval of at least half an hour :

Provided that this provision shall not apply if the only persons employed as such shop assistants are members of the family of the occupier of the premises maintained by him and dwelling in his house :

- (d) The occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.

(2) Where the occupier of any premises has signified aforesaid that he elects that the foregoing provisions shall apply, and any of those provisions are not complied with, the occupier of the premises shall be guilty of an offence against the Shops Act, 1912, and shall be liable to a fine not exceeding—

- (a) in the case of a first offence, one pound ;
 (b) in the case of a second offence, five pounds ; and
 (c) in the case of a third or subsequent offence, ten pounds.

(3) For the purposes of this section the expression “half holiday” means a day on which the employment of an assistant ceases not later than three o’clock in the afternoon and on which he is not employed for more than six hours including meal-time.

(4) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of any succeeding year, and upon any such withdrawal section one of the Shops Act, 1912, shall apply to the shop in like manner as before the notice was given.

(5) The Shops Act, 1912, as amended by this Act, shall, in its application to any premises in respect to which a notice under

[2 & 3 GEO. 5.] *Shops Act (1912) Amendment.*

3

this section is in force, have effect as though the definition of
“shop assistant” included all persons wholly or mainly employed
in any capacity at the premises in connexion with the business
there carried on.

A.D. 1912.

5 **2.**—(1) This Act may be cited as the Shops Act, 1913; and shall be construed as one with the Shops Act, 1912; and
the Shops Act, 1912, and this Act may be cited together as the
Shops Acts, 1912 and 1913.

Short title
and extent.

(2) This Act shall not extend to shops in Ireland in which
10 the business of the sale by retail of intoxicating liquors is
carried on.

**Shops Act (1912)
Amendment.**

A

B I L L

INTITULED

An Act to amend the Shops Act, 1912,
in its application to premises for
the sale of refreshments.

(Brought from the Commons 12th February 1913.)

Ordered to be printed 12th February 1913.

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(212) +

Shops Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Conditions of Employment.

Clause.

1. Hours of employment and meal times.
2. Hours of employment of young persons.
3. Seats for female shop assistants.

Closing of Shops.

4. Closing of shops on weekly half-holiday.
5. Closing orders.
6. Procedure for making orders.
7. Local inquiries for the purpose of promoting and facilitating early closing.
8. Revocation of closing orders.

Provisions with respect to Special Classes of Trade or Business.

9. Provisions as to trading elsewhere than in shops.
10. Provisions as respects shops where more than one business is carried on.
11. Special provisions as to holiday resorts.
12. Application to Post Office business.

Enforcement of Act.

13. Powers and duties of local authorities.
14. Provisions with respect to offences.

General Provisions.

15. Expenses of Secretary of State.
16. Local inquiries.
17. Regulations.
18. Proof and revocation of orders.
19. Interpretation.
20. Application to Scotland.
21. Application to Ireland.
22. Short title, commencement, and repeal.

SCHEDULES.

A
B I L L

INTITULED

An Act to consolidate the Shops Regulation Acts, 1892 to 1911. A.D. 1912.

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:—

5 *Conditions of Employment.*

1.—(1) On at least one week day in each week a shop assistant shall not be employed about the business of a shop after half-past one o'clock in the afternoon: Hours of employment and meal times.

10 Provided that this provision shall not apply to the week preceding a bank holiday if the shop assistant is not employed on the bank holiday, and if on one week day in the following week in addition to the bank holiday the employment of the shop assistant ceases not later than half-past one o'clock in the afternoon. [1911, ss. 1, 8 (1), (3) and (5), 12, and 13 (2).]

15 (2) The occupier of every shop shall fix, and shall specify in a notice in the prescribed form, which must be affixed in the shop in such manner and at such time as may be prescribed, the day of the week on which his shop assistants are not employed after half-past one o'clock, and may fix different days for different shop assistants. 20

(3) Intervals for meals shall be allowed to each shop assistant in accordance with the First Schedule to this Act:

25 Provided that this provision shall not apply to a shop if the only persons employed as shop assistants are members of the family of the occupier of the shop, maintained by him and dwelling in his house.

(4) A 2

A.D. 1912.

(4) In the case of any contravention of, or failure to comply with, the provisions of this section, the occupier of the shop shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

(a) in the case of a first offence, one pound; 5

(b) in the case of a second offence, five pounds; and

(c) in the case of a third or subsequent offence, ten pounds;

unless, in the case of a shop assistant employed after half-past one o'clock in contravention of this section, he proves that the shop assistant was employed merely for the purpose of serving 10 a customer whom he was serving at that time, or, where the time of the closing of the shop was also half-past one o'clock, that the shop assistant was employed merely for the purpose of serving customers who were in the shop at that time.

(5) Nothing in this section shall apply to any fair lawfully 15 held or any bazaar or sale of work for charitable or other purposes from which no private profit is derived.

Hours of
employment
of young
persons.
[1892, ss. 3,
4, 5, 9;
1895, s. 1;
1911, s. 13
(1).]

2.—(1) No person under the age of eighteen years (in this Act referred to as a “young person”) shall be employed about the business of a shop for a longer period than seventy-four hours, 20 inclusive of meal times, in any one week.

(2) No young person shall, to the knowledge of the occupier of the shop, be employed in or about a shop—

(a) having been previously on the same day employed in any factory or workshop, as defined by the Factory 25 and Workshop Act, 1901, for the number of hours permitted by that Act; or

(b) for a longer period than will, together with the time during which he has been previously employed on the same day in a factory or workshop complete such 30 number of hours as aforesaid.

(3) In every shop in which a young person is employed a notice shall be kept exhibited by the occupier of the shop in a conspicuous place referring to the provisions of this section and stating the number of hours in the week during which a 35 young person may lawfully be employed about the business of the shop.

(4) Where a young person is employed about the business of a shop contrary to the provisions of this section, the occupier of the shop shall be guilty of an offence against this Act, and liable 40 to a fine not exceeding one pound, or where more than one young

person is so employed, one pound for each young person, and if the occupier of a shop fails to comply with the provisions of this section with respect to notices he shall be guilty of an offence against this Act, and liable to a fine not exceeding
5 forty shillings.

(5) This section shall not apply to any shop in which no assistants are employed for hire, but shall extend to wholesale shops and warehouses in which assistants are employed for hire, as well as to shops as defined by this Act.

10 (6) This section shall not apply to any person wholly employed as a domestic servant.

3.—(1) In all rooms of a shop where female shop-assistants are employed in the serving of customers, the occupier of the shop shall provide seats behind the counter, or in such other
15 position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female shop-assistants employed in each room.

Seats for female shop assistants. [1899, ss. 1 and 2.]

(2) Any person failing to comply with the provisions of this section shall be guilty of an offence against this Act, and
20 liable for a first offence to a fine not exceeding three pounds, and for a second or subsequent offence to a fine not less than one pound and not exceeding five pounds.

Closing of Shops.

4.—(1) Every shop shall, save as otherwise provided by this
25 Act, be closed for the serving of customers not later than one o'clock in the afternoon on one week day in every week.

Closing of shops on weekly half-holiday.

(2) The local authority may, by order, fix the day on which a shop is to be so closed (in this Act referred to as "the weekly half-holiday"), and any such order may either fix the same day
30 for all shops, or may fix—

[1911, ss. 2, 8 (2) and (3), 11 and 12.]

- (a) different days for different classes of shops; or
- (b) different days for different parts of the district; or
- (c) different days for different periods of the year:

Provided that—

35 (i) where the day fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted for such other day; and

40 (ii) where the day fixed is Saturday, the order shall provide for enabling some other day specified in the order to be substituted for Saturday;

A.D. 1912. as respects any shop in which notice to that effect is affixed by the occupier, and that no such order shall be made unless the local authority, after making such inquiry as may be prescribed, are satisfied that the occupiers of a majority of each of the several classes of shops affected by the order approve 5 the order.

(3) Unless and until such an order is made affecting a shop, the weekly half-holiday as respects the shop shall be such day as the occupier may specify in a notice affixed in the shop, but it shall not be lawful for the occupier of the shop to change 10 the day oftener than once in any period of three months.

(4) Where the local authority have reason to believe that a majority of the occupiers of shops of any particular class in any area are in favour of being exempted from the provisions of this section, either wholly or by fixing as the closing hour 15 instead of one o'clock some other hour not later than two o'clock, the local authority, unless they consider that the area in question is unreasonably small, shall take steps to ascertain the wishes of such occupiers, and if they are satisfied that a majority of the occupiers of such shops are in favour of the exemption, 20 or, in the case of a vote being taken, that at least one half of the votes recorded by the occupiers of shops within the area of the class in question are in favour of the exemption, the local authority shall make an order exempting the shops of that class within the area from the provisions of this section either wholly 25 or to such extent as aforesaid.

(5) Where a shop is closed during the whole day on the occasion of a bank holiday, and that day is not the day fixed for the weekly half-holiday, it shall be lawful for the occupier of the shop to keep the shop open for the serving of customers 30 after the hour at which it is required under this section to be closed either on the half-holiday immediately preceding, or on the half-holiday immediately succeeding, the bank holiday.

(6) This section shall not apply to any shop in which the only trade or business carried on is trade or business of any of 35 the classes mentioned in the Second Schedule to this Act, but the local authority may, by order made and revocable in the manner hereinafter provided with respect to closing orders, extend the provisions of this section to shops of any class exempted under this provision if satisfied that the occupiers of 40 at least two-thirds of the shops of that class approve the order.

(7) In the case of any contravention of or failure to comply with any of the provisions of this section the occupier of the shop shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

A.D. 1912.

- 5 (a) in the case of a first offence, one pound ;
 (b) in the case of a second offence, five pounds ; and
 (c) in the case of a third or subsequent offence, ten pounds :

10 Provided that the occupier of a shop shall not be guilty of an offence against this Act when a customer is served at any time at which the shop is required to be closed under this section if he proves either that the customer was in the shop before the time when the shop was required to be closed, or that there was reasonable ground for believing that the article
 15 supplied to the customer was required in the case of illness.

(8) Nothing in this section shall prevent customers from being served at a time when the shop in which they are sold is required to be closed with victuals, stores, or other necessaries for a ship, on her arrival at or immediately before her departure from a
 20 port.

(9) Nothing in this section shall apply to any fair lawfully held or any bazaar or sale of work for charitable or other purposes from which no private profit is derived.

25 **5.**—(1) An order (in this Act referred to as “a closing order”) made by a local authority, and confirmed by the Secretary of State in manner provided by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for
 30 serving customers.

Closing
orders.
[1904, ss. 1,
2, 5.]

(2) The hour fixed by a closing order (in this Act referred to as “the closing hour”) shall not be earlier than seven o'clock in the evening on any day of the week.

(3) The order may—

- 35 (a) define the shops and trades to which the order applies and
 (b) authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order ; and
 40 (c) contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

A.D. 1912.

(4) Nothing in a closing order shall apply to any fair lawfully held, or a bazaar for charitable purposes, nor to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the Third Schedule to this Act. 5

(5) If any person contravenes the provisions of a closing order he shall be guilty of an offence against this Act, and liable to a fine not exceeding—

- (a) in the case of a first offence one pound;
- (b) in the case of a second offence five pounds; and 10
- (c) in the case of a third or subsequent offence twenty pounds :

Provided that nothing in this section or in any closing order shall render a person liable to any penalty for serving after the closing hour any customer who was in the shop before 15 the closing hour.

Procedure
for making
orders.
[1904, s. 3.]

6.—(1) Whenever a local authority are satisfied that a *prima facie* case is made out for making a closing order, the authority shall give public notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying 20 therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least 25 two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and the order shall be submitted to the Secretary of State, and the 30 Secretary of State shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the Secretary of State has confirmed any order, the order shall become final and have the effect of an Act 35 of Parliament :

Provided that every closing order shall be laid before each House of Parliament as soon as may be after it is confirmed, and, if an address is presented to His Majesty by either House within the next subsequent forty days on which that House has 40 sat after any such order is laid before it praying that the order

may be cancelled, His Majesty in Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to any proceedings which may in the meantime have been taken under the order and without
5 prejudice to the power of making any new closing order.

A.D. 1912.

7.—(1) Where it appears to the Secretary of State, on the representation of the local authority or a joint representation from a substantial number of occupiers of shops and shop assistants in the area of the local authority, that it is expedient
10 to ascertain the extent to which there is a demand for early closing in any locality, and to promote and facilitate the making of a closing order therein, the Secretary of State may appoint a competent person to hold a local inquiry.

Local in-
quiries for
the purpose
of promoting
and facili-
tating early
closing.
[1911, s. 3.]

(2) If, after holding such an inquiry and conferring with
15 the local authority, it appears to the person holding the inquiry that it is expedient that a closing order should be made, he shall prepare a draft order and submit it to the Secretary of State together with his report thereon.

(3) If the Secretary of State, after considering the draft
20 order and report, and any representations which the local authority may have made in respect thereof, is of opinion that it is desirable that a closing order should be made, he may communicate his decision to the local authority, and thereupon there shall be deemed to be a *prima facie* case for making a
25 closing order in accordance with the terms of the draft order, subject to such modifications (if any) as the Secretary of State may think fit.

(4) The person who held the inquiry shall, if so directed by the Secretary of State on the application of the local authority,
30 assist and co-operate with the local authority in taking the steps preliminary to making the order.

8. The Secretary of State may at any time on the application of the local authority revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any
35 time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the Secretary of State to revoke the order in so far as it affects that class of shops, but any such
40 revocation shall be without prejudice to the making of any new closing order.

Revocation
of closing
orders.
[1904, s. 4.]

A.D. 1912. *Provisions with respect to Special Classes of Trade or Business.*

Provisions
as to trading
elsewhere
than in
shops.
[1911, s. 4,
1904, s. 2(2).]

9. It shall not be lawful in any locality to carry on in any place not being a shop retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop open for the purposes of retail trade or business of that class, 5 and if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Act:

Provided that—

10

(a) the prohibition imposed by this section shall, as respects any day other than the weekly half-holiday, be subject to such exemptions and conditions (if any) as may be contained in closing orders; and

(b) nothing in this section shall be construed as preventing 15 a barber or hairdresser from attending a customer in the customer's residence, or the holding of an auction sale of private effects in a private dwelling-house; and

(c) nothing in this section shall apply to the sale of 20 newspapers.

Provisions
as respects
shops where
more than
one business
is carried on.
[1911, s. 5;
1904,
s. 2 (5).]

10.—(1) Where several trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop, the shop would be exempt from the obligation to be 25 closed on the weekly half-holiday, the exemption shall apply to the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.

(2) Where several trades and businesses are carried on in the 30 same shop and any of those trades or businesses are of such a nature that if they were the only trades or businesses carried on in the shop a closing order would not apply to the shop, the shop may be kept open after the closing hour for the purposes of those trades and businesses alone, but on such terms and under 35 such conditions as may be specified in the order.

(3) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his

principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining a majority under this Act, be considered as carried on in the shop unless the occupier of the shop satisfies the local authority that it forms a substantial part of the business carried on in the shop.

A.D. 1912.

11.—(1) In places frequented as holiday resorts during certain seasons of the year the local authority may by order suspend, for such period or periods as may be specified in the order, not exceeding in the aggregate four months in any year, the obligation imposed by this Act to close shops on the weekly half-holiday.

Special provisions as to holiday resorts. [1911, s. 6.]

(2) Where the occupier of any shop to which any such order of suspension applies satisfies the local authority that it is the practice to allow all his shop assistants a holiday on full pay of not less than two weeks in every year, and keeps affixed in his shop a notice to that effect, the requirement that on one day in each week a shop assistant shall not be employed after half-past one o'clock shall not apply to the shop during such period or periods as aforesaid.

12.—(1) Where Post Office business is carried on in any shop in addition to any other business, this Act shall apply to that shop subject to the following modifications:—

Application to Post Office business. [1911, s. 10; 1904, s. 2 (5).]

(a) If the shop is a telegraph office the obligation to close on the weekly half-holiday shall not apply to the shop so far as relates to the transaction of Post Office business thereat:

(b) Where the Postmaster General certifies that the exigencies of the postal service require that Post Office business should be transacted in any such shop at times when under the provisions of this Act relating to the weekly half-holiday the shop would be required to be closed, or under conditions not authorised by this Act, the shop shall for the purpose of the transaction of Post Office business be exempted from the provisions of this Act to such extent as the Postmaster General may certify to be necessary for the purpose:

Provided that in such cases the Postmaster General shall make the best arrangements that the exigencies of the postal service allow with a view to the conditions of employment of the persons employed being

(4)

B 2

A.D. 1912.

on the whole not less favourable than those secured by this Act :

- (c) The provisions contained in any closing order imposing terms or conditions on the keeping open of any such shop after the closing hour for the transaction of Post Office business shall be subject to the approval of the Postmaster-General. 5

(2) Save as aforesaid, nothing in this Act shall apply to Post Office business, or to any premises in which Post Office business is transacted. 10

Enforcement of Act.

Powers and duties of local authorities. [1911, s. 7.]

13.—(1) It shall be the duty of every local authority to enforce within their district the provisions of this Act, and of the orders made thereunder or under any enactment repealed by this Act, and for that purpose to institute and carry on such proceedings in respect of failures to comply with or contraventions of this Act and such orders as aforesaid as may be necessary to secure the observance thereof, and to appoint inspectors; and an inspector so appointed shall, for the purposes of his powers and duties, have in relation to shops all the powers conferred in relation to factories and workshops on inspectors by section one hundred and nineteen of the Factory and Workshop Act, 1901, and that section and section one hundred and twenty-one of the same Act shall apply accordingly; and an inspector may, if so authorised by the local authority, institute and carry on any proceedings under this Act on behalf of the authority. 15 20 25

(2) In this Act the expression “local authority” means—

as respects the city of London, the common council;
as respects any municipal borough, the council of the borough; 30

as respects any urban district with a population according to the returns of the last published census for the time being of twenty thousand or upward, the district council;

elsewhere, the county council; 35

Provided that a county council may, with the approval of the Secretary of State, make arrangements with the council of an urban district in the county with a population of less than twenty thousand, or with the council of a rural district, for the exercise by the council of that district as agents for the county 40

council, on such terms and subject to such conditions as may be agreed on, of any powers of the county council under this Act within the district, and the council of the district may, as part of the agreement, undertake to pay the whole or any part
 5 of the expenses incurred in connection with the exercise of the powers delegated to them, and the London County Council may, with the like approval, make similar arrangements with the council of any metropolitan borough.

A.D. 1912.

(3) The expenses of a local authority under this Act
 10 (including any expenses which a council undertake to pay as aforesaid), shall be defrayed—

in the case of the common council of the city of London out of the general rate;

15 in the case of the council of a borough, out of the borough fund or borough rate;

in the case of a district council, as part of the general expenses incurred in the execution of the Public Health Acts;

20 in the case of a county council, as expenses for special county purposes;

in the case of a metropolitan borough council, as part of the expenses of the council.

14.—(1) All offences against this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as
 25 offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1901, and sections one hundred and forty-three to one hundred and forty-six of that Act, and so much of section one hundred and forty-seven thereof as relates to evidence respecting the age of any person, so far as those provisions are
 30 applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto.

Provisions with respect to offences. [1892, ss. 7 and 6; 1911, s. 8 (6), (7), and (4).]

Provided that all fines imposed in any proceedings instituted by or on behalf of a local authority in pursuance of their powers and duties under this Act shall be paid to the local authority
 35 and carried to the credit of the fund out of which the expenses incurred by the authority under this Act are defrayed.

(2) Where an offence for which the occupier of a shop is liable under this Act, has, in fact, been committed by some manager, agent, servant, or other person, the manager, agent,

A.D. 1912. servant, or other person shall be liable to the like penalty as if he were the occupier.

(3) Where the occupier of a shop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

General Provisions.

Expenses of Secretary of State. [1911, s. 3 (5).] **15.** Any expenses incurred by the Secretary of State under this Act, including the remuneration of any person holding a local inquiry under section seven of this Act, shall, to such extent as may be sanctioned by the Treasury, be paid out of moneys provided by Parliament. 15

Local inquiries. [1904, s. 6.] **16.** In addition to the local inquiries which the Secretary of State is empowered to hold under section seven of this Act, the Secretary of State may cause a local inquiry to be held for the purposes of any of his powers and duties under this Act, and the costs incurred in relation to any such last-mentioned inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the Secretary of State may certify the amount of the costs incurred. Any sums so certified shall be a debt to the Crown from the local authority. 20 25

Regulations. [1904, s. 7.] **17.** The Secretary of State may make regulations— 30
 (a) for prescribing anything which under this Act is to be prescribed; and
 (b) as to the mode of ascertaining the opinion of occupiers of shops; and
 (c) as to the procedure at local inquiries and matters incidental thereto; and 35
 (d) as to the procedure for obtaining the revocation of a closing order; and
 (e) generally for carrying into effect the provisions of this Act. 40

18.—(1) Any order made by a local authority under this Act may be proved by the production of a copy thereof certified to be a true copy by a person purporting to be the clerk of the local authority by whom the order was made.

A.D. 1912.
—
Proof and
revocation
of orders.
[1911, s. 9.]

5 (2) Any order made by a local authority under this Act may, unless some other method of revocation is provided by this Act, be revoked by an order made in the like manner and subject to the like approval, if any, as the original order.

19. In this Act—

10 The expression “shop” includes any premises where any retail trade or business is carried on ;

Interpreta-
tion.
[1911, s. 14,
1892, s. 9.]

The expression “retail trade or business” includes the business of a barber or hairdresser, the sale of refreshments or intoxicating liquors, and retail sales by auction, but does not include the sale of programmes and catalogues and other similar sales at theatres and places of amusement ;

15 The expression “shop assistant” means any person wholly or mainly employed in a shop in connexion with the serving of customers or the receipt of orders or the despatch of goods ;

20 The expression “bank holiday” includes any public holiday or day of public rejoicing or mourning ;

25 The expression “week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

20. This Act shall apply to Scotland, subject to the following modifications :—

Application
to Scotland.
[1911, s. 15.]

30 The Secretary for Scotland shall be substituted for the Secretary of State :

35 The local authority for the purposes of this Act shall be the county council in a county (exclusive of the police burghs therein) and the town council in a royal parliamentary, or police burgh ; and the expenses of a local authority under the said Acts shall be defrayed, in the case of a county council, out of the general purposes rate, and, in the case of a town council, out of the burgh general improvement assessment, or any other assessment leviable by the town council in equal proportions on owners and occupiers : Provided that the ratepayers of a police burgh shall not be assessed by

40 the county council for any such expenses :

A.D. 1912. — References to any provisions of the Factory and Workshop Act, 1901, shall be construed as references to those provisions as applied to Scotland by section one hundred and fifty-nine of that Act.

Application to Ireland. [1911, s. 168 (3) and (5); 1893, s. 2; 1904, s. 8.]

21. This Act shall apply to Ireland subject to the following 5
modifications:—

(1) The Lord Lieutenant shall be substituted for the Secretary of State:

(2) The expression “local authority” means—

as respects any municipal borough, the council 10
of the borough;

as respects any urban district, the district
council; and

as respects any town having town commissioners
and not being an urban district (in this section 15
referred to as a town), the town commissioners.

(3) The expenses of local authorities under this Act shall
be defrayed—

in the case of the council of a borough, out of
the borough fund or borough rate; 20

in the case of a district council, as part of the
general expenses incurred in the execution of the
Public Health (Ireland) Acts, 1878 to 1907; and

in the case of town commissioners, out of any
rate leviable by them as such commissioners 25
throughout the whole of their district.

(4) References to any provisions of the Factory and Work-
shop Act, 1901, shall be construed as references to
those provisions as applied to Ireland by section one
hundred and sixty of that Act. 30

(5) The provisions of this Act specified in the first
column of the Fourth Schedule to this Act shall,
to the extent and subject to the modifications
specified in the second column of that schedule,
apply to rural districts in Ireland, with this ex- 35
ception, that the provisions specified in Part I. of
that schedule shall apply only to towns within
rural districts in Ireland; save as aforesaid, this Act
shall not apply to rural districts in Ireland or to
towns within such districts. 40

(6) In the case of a shop assistant employed in a shop in which the business of the sale by retail of intoxicating liquors is carried on, section one of this Act shall not apply, but instead thereof, the provisions contained in the Fifth Schedule to this Act shall have effect with respect to shops in which that business is carried on, and in the case of any contravention of, or failure to comply with, the provisions of that schedule the occupier of the shop shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

A.D. 1912.

(a) in the case of a first offence *one pound*;

(b) in the case of a second offence *five pounds*;
and

(c) in the case of a third or any subsequent offence *ten pounds*.

(7) Any shop in which the business of the sale by retail of intoxicating liquors is carried on in conjunction with any other trade or business shall as respects all such trades or businesses, be exempt from the obligation to be closed on the weekly half holiday :

(8) A local authority may, in addition to its other powers under this Act, make an order fixing the hours on the several week-days before which, either throughout the area of the local authority or in any specified part thereof, no shop, in which the business of the sale by retail of intoxicating liquors is carried on, shall be open for serving customers :

Such order shall be deemed to be a closing order, and all the provisions of this Act, with respect to closing orders, save those relating to the earliest hours to be fixed by a closing order, shall apply accordingly with the necessary modifications :

Provided that an order made under this subsection shall not in any way affect the powers conferred by section eleven of the Licensing (Ireland) Act, 1874, of granting exemption orders in respect of licensed premises, or apply to any licensed premises during any time during which the premises are permitted to be open under any such exemption order :

37 & 38 Vict.
c. 69.

(4)

C

A.D. 1912.

- (9) Shops in which there is carried on the business of the sale by retail of intoxicating liquors for consumption on or off the premises, whether such business is carried on alone or in conjunction with any other business or trade, shall, for the purposes of the provisions of this Act with respect to closing orders, be deemed to be shops of a separate class, and a local authority shall not make a closing order applying to shops of that class unless they are satisfied that the occupiers of at least two thirds in number of the shops of that class approve the order: 5
- (10) Shops in which there is carried on the business of the sale by retail of intoxicating liquors for consumption off the premises only, whether such business is carried on alone or in conjunction with any other business or trade, shall, in like manner and for the purposes aforesaid, be deemed to be shops of a separate class, and the provisions of the last preceding subsection with respect to the making of closing orders shall apply to that class of shops as a separate class accordingly. 15 20

Short title,
commence-
ment, and
repeal.
[1911, s. 17,
2 (7)].

22.--(1) This Act may be cited as the Shops Act, 1912.

(2) This Act shall come into operation on the first day of May nineteen hundred and twelve.

(3) The Shops Regulation Acts, 1892 to 1911, are hereby repealed: 25

Provided that any closing order made under the Shop Hours Act, 1904, which is in force at the commencement of this Act, shall continue in force until revoked in accordance with the provisions of this Act, except in so far as it fixes a closing hour earlier than seven o'clock for any shop to which the provisions of this Act with respect to the weekly half-holiday apply. 30

SCHEDULES

A.D. 1912.

FIRST SCHEDULE.

INTERVALS FOR MEALS.

Intervals for meals shall be arranged so as to secure that no person
5 shall be employed for more than six hours without an interval of at
least twenty minutes being allowed during the course thereof.

Without prejudice to the foregoing provision—

(1) where the hours of employment include the hours from
11.30 a.m. to 2.30 p.m., an interval of not less than three-
10 quarters of an hour shall be allowed between those hours
for dinner; and

(2) where the hours of employment include the hours from 4 p.m.
to 7 p.m., an interval of not less than half-an-hour shall be
allowed between those hours for tea;

15 and the interval for dinner shall be increased to one hour in cases where
that meal is not taken in the shop, or in a building of which the shop
forms part or to which the shop is attached:

Provided that an assistant employed in the sale of refreshments
or in the sale by retail of intoxicating liquors need not be allowed the
20 interval for dinner between 11.30 a.m. and 2.30 p.m., if he is allowed
the same interval so arranged as either to end not earlier than 11.30 a.m.
or to commence not later than 2.30 p.m., and the same exemption shall
apply to assistants employed in any shop on the market day in any
town in which a market is held not oftener than once a week, or on a
25 day on which an annual fair is held.

SECOND SCHEDULE.

TRADES AND BUSINESSES EXEMPTED FROM THE PROVISIONS AS TO WEEKLY HALF-HOLIDAY.

The sale by retail of intoxicating liquors.

30 The sale of refreshments, including the business carried on at a
railway refreshment room.

The sale of motor, cycle, and air-craft supplies and accessories to
travellers.

The sale of newspapers and periodicals.

(4)

C 2

A.D. 1912.	The sale of meat, fish, milk, cream, bread, confectionery, fruit, vegetables, flowers, and other articles of a perishable nature.	
	The sale of tobacco and smokers' requisites.	
	The business carried on at a railway bookstall on or adjoining a railway platform.	5
	The sale of medicines and medical and surgical appliances.	
	Retail trade carried on at an exhibition or show, if the local authority certify that such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show.	

THIRD SCHEDULE.

10

**TRADES AND BUSINESSES EXEMPTED FROM PROVISIONS OF
CLOSING ORDERS.**

The sale by retail of intoxicating liquors.	
The sale of refreshments for consumption on the premises.	
The business carried on at a railway refreshment room.	15
The sale of newspapers.	
The sale of tobacco and smokers' requisites.	
The business carried on at a railway bookstall.	
The sale of medicines and medical and surgical appliances.	
Post Office business.	20

FOURTH SCHEDULE.

**PROVISIONS APPLICABLE TO RURAL DISTRICTS IN IRELAND
AND TOWNS WITHIN SUCH DISTRICTS.**

PART I.

TOWNS WITHIN RURAL DISTRICTS.

25

Section of Act.	Extent of Application and Modifications.	
5	The whole section; subject to the modifications that on one specified day in the week the closing hour may be an hour not earlier than one o'clock in the afternoon, and that a closing order may prohibit, either absolutely or subject to such exemptions and conditions as may be contained in the order, the carrying on of any retail trade after the closing hour in any place, not being a shop within the area to which the order applies for the carrying on of which it would be unlawful to keep a shop open after that hour.	30
		35

Section of Act.	Extent of Application and Modifications.
6	The whole section.
8	The whole section.
5 10	Subsection (2).
10 13	Subsection (1), so far as relates to the appointment of inspectors by local authorities and the powers of inspectors so appointed (other than powers to institute and carry on proceedings on behalf of a local authority), subject to the modification that it shall not be obligatory on the local authority to appoint inspectors unless they think fit.
16	The whole section.
17	The whole section.
18	Subsection (1).
15 Third Schedule	The whole Schedule.

PART II.

RURAL DISTRICTS, INCLUDING TOWNS WITHIN SUCH DISTRICTS.

Section of Act.	Extent of Application and Modifications.
20 2	The whole section, subject to the modification that it shall not apply to— (a) any shop, wholesale shop, or warehouse where the only persons employed are members of the same family dwelling in a building of which such shop or warehouse forms part, or to which such shop or warehouse is attached; or (b) members of the occupier's family so dwelling.
25 3	The whole section.
12	The whole section.
30 14	The whole section, except the proviso to subsection (1).
15	The whole section.
19	The whole section.
21	The whole section, except paragraph (5) and the succeeding paragraphs.
35 22	The whole section.

A.D. 1912.

FIFTH SCHEDULE.**PROVISIONS WITH RESPECT TO SHOPS IN IRELAND IN WHICH THE
BUSINESS OF THE SALE BY RETAIL OF INTOXICATING LIQUORS
IS CARRIED ON.**

1. A shop assistant shall not, save as otherwise provided by this 5
schedule, be employed for more than seventy-two hours (exclusive of
meal hours) in any week about the business of a shop in which the
sale by retail of intoxicating liquors is carried on.

2. Intervals for meals shall be allowed to each assistant, amounting 10
to not less than two hours on each week-day.

3. The occupier of the shop shall fix within the limit aforesaid, and
shall specify in a notice in the prescribed form affixed in the shop, the
times at which the employment or the several spells of employment, as
the case may be, of the assistant are to commence and end on the several 15
days of the week, and the assistant shall not be employed about the
business of the shop, except within the time so fixed.

4. The assistant may be employed overtime for not more than ninety
hours in the calendar year, and such employment shall not be reckoned
as employment for the purposes of the foregoing limitation of the hours 20
of employment :

Provided that, during the first two months after the assistant has
entered the employment, the amount of overtime worked by him shall
not exceed the proportion of two hours for every week he has been in
the employment, or is entitled under a contract to continue in the 25
employment.

5. The assistant shall be deemed to be employed overtime if he is
employed before the time fixed by the notice for the commencement
or after the time so fixed for the ending of his employment or during
the interval so fixed between two spells of employment, and overtime 30
shall be reckoned in periods of half an hour, and any period of overtime
of less than half an hour shall be reckoned as a complete half hour ;
and the occupier of the shop when he intends to employ the assistant
overtime on any day shall, before the overtime employment commences,
record the prescribed particulars with respect to that employment in the 35
prescribed manner.

6. The assistant shall, subject as herein-after mentioned, be allowed
on one week-day in each week a holiday of not less than seven hours
(in this schedule referred to as a weekly half-holiday).

Unless the employer and the shop assistant otherwise agree, the 40
weekly half-holiday shall commence either at the time at which the shop

opens on that day (in this paragraph referred to as "a morning half-holiday"), or at a time not less than seven hours before the time at which the shop closes on that day (in this paragraph referred to as "an afternoon half-holiday"), and the aforesaid half-holidays shall be so
 5 arranged that the assistant shall be allowed a morning half-holiday and an afternoon half-holiday alternately.

7. An assistant who has been employed by the same employer for a period of not less than twenty-six consecutive weeks about the business of one or more shops of the employer shall, so long as he
 10 continues in the employment of that employer, be allowed an annual holiday of at least seven consecutive days, or, if he has been employed as aforesaid for a period of not less than fifty-two consecutive weeks, an annual holiday of at least fourteen consecutive days.

8. In any week in which an assistant is absent from his employ-
 15 ment in or about the business of the shop, either on his annual holiday or on account of ill-health or otherwise, the weekly half-holiday may be disallowed in the case of every other assistant employed in or about the business of the shop and the number of hours of weekly employment of every such other assistant may be increased by seven
 20 hours accordingly: Provided that where the assistant is absent for more than four consecutive weeks on account of ill-health, the weekly half-holiday of the other assistants shall not be disallowed and their hours of employment shall not be increased by reason of such absence except in the first four weeks in which he is absent.

25 9. No deduction from wages or salary payable to the assistant shall be made on account of any such holidays or half-holidays as aforesaid.

A.D. 1912.

Shops. [H.L.]

A

B I L L

INTITLED

An Act to consolidate the Shops
Regulation Acts, 1892 to 1911.

The Lord Ashby St. Ledgers.

Ordered to be printed 20th February 1912.

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(4)

Temperance (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Date of Act coming into operation.
2. Poll of electors on resolutions submitted.
3. Effect of resolutions, if carried.
4. Resolutions at further polls.
5. Supplemental provisions.
6. Structural alterations.
7. Later hour of opening.
8. Amendment of law relating to clubs.
9. Amendments of 3 Edw. 7. c. 25. ss. 16 and 31.
10. Sale of exciseable liquors in theatres.
11. Sales on order of officials.
12. Power to close certificated premises in case of riot.
13. Drunken persons entering public-house.
14. Termination of existing leases, &c.
15. Definitions.
16. Short title and citation.

SCHEDULES.

A

B I L L

INTITULED

An Act to promote Temperance in Scotland by conferring on the electors in prescribed areas control over the grant and renewal of certificates ; by securing a later hour of opening for licensed premises ; by amending the law relating to clubs ; and by other provisions incidental thereto. A.D. 1912.

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:—

- 5 **1.** This Act shall, except as otherwise in this Act provided, come into operation on the expiration of five years from the first day of June nineteen hundred and twelve. Date of Act coming into operation.
- 10 **2.**—(1) If, in the manner hereinafter provided, a requisition demanding a poll under this Act in any area is lodged with the local authority, the local authority shall cause a poll of the electors in such area (hereinafter called "a poll") to be taken in accordance with the provisions of this Act. Poll of electors on resolutions submitted.
- 15 (2) The questions to be submitted to the electors at a poll shall be the adoption in and for such area of (a) a no-change resolution, or (b) a limiting resolution, or (c) a no-licence resolution.
- 20 (3) On a poll in any area—
 (a) if three-fifths at least in number of the votes recorded are in favour of a no-licence resolution, and not less than thirty per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried ; or if

A.D. 1912.

- (b) a majority of the votes recorded are in favour of a limiting resolution, and not less than thirty per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried; or if 5
- (c) a majority of the votes recorded are in favour of a no-change resolution, or if no other resolution is carried, a no-change resolution shall be deemed to be carried; and

any such resolution so carried shall come into force on the twenty-eighth day of May immediately following the taking of the poll.

(4) An elector shall not be entitled to vote for more than one of the resolutions submitted at the poll, but if a no-licence resolution be not carried, the votes recorded in favour of such resolution shall be added to those recorded in favour of the limiting resolution, and shall be deemed to have been recorded in favour thereof. 15

(5) Any such resolution if carried shall remain in force until the resolution is repealed or superseded as hereinafter provided. 20

Effect of
resolutions,
if carried.

3.—(1) For the period during which a no-licence resolution remains in force in any area, no certificate shall be granted therein; except that the licensing court may, on being satisfied that under the special circumstances of the case any certificate is reasonably required notwithstanding the fact that a no-licence resolution is in force in the area, grant a certificate for an inn and hotel or for premises structurally adapted for use and bonâ fide used or to be used as a restaurant: Provided that any certificate so granted shall be deemed to include the conditions that there shall be on the certificated premises no drinking-bar or other part of the premises mainly or exclusively used for the sale or consumption of exciseable liquors, and that such liquors shall be sold therein by retail only and to none but persons lodging or residing in the inn and hotel, or persons taking a meal on the premises of the restaurant or (if the court so sanction) of the inn and hotel, for consumption with such meal; and provided further that it shall be a condition of the renewal of any such certificate that the applicant shall satisfy the court that he is entitled to a reduction of duty in terms of section forty-five of the Finance (1909-10) Act, 1910. 30 35 40

(2) For the period during which a limiting resolution remains in force in any area, without prejudice to the other powers or discretion of the licensing court, it shall not be lawful for the

licensing court to grant a greater number of certificates in such area than the nearest integral number which shall not exceed seventy-five per cent. of the number of certificates in force at the date at which such resolution is carried. A.D. 1912.

5 (3) If a limiting resolution is carried the licensing court shall, before the first day of February following the poll, meet for the purpose of preparing a scheme for carrying out in the area the requirements of the resolution, which scheme shall give the particulars of any premises the certificates of which the
10 court propose to withdraw, and every scheme prepared as aforesaid shall forthwith be advertised by the clerk to the licensing court in a newspaper circulating in the area and shall be open to the inspection of the public for three weeks before the first day of March following the poll at a place to be stated in the
15 advertisement.

(4) Before the general half-yearly meeting of the licensing court held in April, the licensing court shall meet for the purpose of hearing the parties interested in the said scheme and adjusting the said scheme for consideration at the said April meeting,
20 and the licensing court shall at that meeting or at any adjournment thereof take the scheme so adjusted into consideration, and after hearing parties interested therein, so far as not already heard, and, if they modify the scheme, after hearing parties interested in any modification, shall decide upon the certificates
25 to be withdrawn.

(5) The decision of the licensing court in refusing or reducing certificates in pursuance of a no-licence resolution or of a limiting resolution shall not be subject to appeal.

(6) It shall not be competent for a member of a licensing
30 court to sign a requisition for a poll under this Act.

4.—(1) Where a poll has been taken, and such poll, or the declared result thereof, has not been declared void in terms of this Act, a further poll shall not be taken before the month of November in the third year from the date of the last poll. Resolutions at further polls.

35 (2) Such further poll may be taken—

(a) if a no-change resolution is in force or a limiting resolution or no-licence resolution has been repealed, for the following options, that is to say, for a further no-change resolution or for a no-licence
40 resolution or for a limiting resolution ;

A.D. 1912.

- (b) if a limiting resolution is in force, for the following options, that is to say, for the repeal or continuance of any such resolution or for a further limiting resolution or for a no-licence resolution, provided that if the repeal of any such resolution is not carried, the votes in favour of such repeal shall be added to those recorded in favour of a continuance resolution and shall be deemed to have been recorded in favour thereof; and
- (c) if a no-licence resolution is in force, for repealing the same.

(3) The provisions of section two of this Act, except as regards the questions to be submitted to the electors, shall apply to such further polls, provided that where a further poll is taken in any area where a limiting resolution or a no-licence resolution is in force and the majority of the votes recorded is not in favour of the repeal of such resolution, such repeal shall not be carried.

Supple-
mental pro-
visions.

5.—(1) The requisition for a poll shall be in the form set out in Schedule I. of this Act, and shall be signed by not less than one-tenth of the electors in the area; and the signatures to the said requisition shall be appended thereto with the full addresses of the signatories, on papers which shall be issued on demand of any elector by the clerk to the local authority, not earlier than the fifteenth day of August immediately preceding the month in which the requisition is to be lodged; and such papers shall bear on each sheet the date of issue. The requisition shall be lodged during the month of September in any year with the clerk to the local authority, who shall thereupon insert, in not less than two newspapers circulating in the area, a notice of the receipt of such requisition, and shall allow inspection of the requisition by any elector, but, after the requisition has been so lodged, no signatures thereto may be withdrawn.

(2) On the day on which a poll under this Act is taken in any area, all the certificated premises in such area in which exciseable liquors are sold by retail shall remain closed for the sale of such liquors until after the hour fixed for the close of the poll, but nothing in this subsection contained shall prohibit the sale of such liquors to lodgers or to bonâ fide travellers taking meals on the premises in any room usually set apart for

that purpose, for consumption therein at the meal, or the sale, distribution, or delivery of exciseable liquors under the conditions prescribed by section sixty-three of the Licensing (Scotland) Act, 1903.

A.D. 1912.

- 5 (3) A poll shall be taken on any day not being a market day which the local authority may fix in the month either of November or of December immediately following the lodging of the requisition: Provided that in a county a poll shall be taken only in the year of a triennial election of county councillors, 10 except in the case of a poll held in the year in which a resolution under this Act is first competent; and provided further, that if a poll, or the declared result thereof, is by a judgment of the Court of Session declared void, the Court may, if they think fit, order the local authority to cause a new poll 15 to be taken, or one-tenth of the electors in the area may, by requisition lodged with the clerk to the local authority within one month of the date of the judgment, demand a new poll, and the local authority shall thereupon forthwith cause such poll to be taken.
- 20 (4) Polls under this Act shall be by ballot, and the Secretary for Scotland shall make rules for regulating the procedure with respect to requisitions and the taking of polls, and providing for the re-counting or scrutiny of the votes recorded on any poll when a demand is made therefor, and, without 25 prejudice to the generality of the power hereby conferred, may by those rules apply for the purpose with any necessary modifications any enactments relating to Parliamentary or local government elections and to the prevention of corrupt and illegal practices thereat (including the penal provisions thereof):
- 30 Provided that where a poll is taken for the first time in any area, the ballot papers shall be in the form contained in Schedule II. of this Act, with any modifications thereof to meet the circumstances of the case which may be sanctioned by the Secretary for Scotland, and in case of polls other than the first poll or in 35 cases where there are no certificates or not more than one certificate in force in the area, in such forms as may be prescribed by the Secretary for Scotland, who shall fix a maximum scale for the expenses of a poll, and any expenses incurred within such scale by the local authority in connection with this Act shall be 40 defrayed out of the county general purposes rate in counties (excluding police burghs) and the burgh general or police assessment in burghs, but shall not be reckoned in any calculation as to the statutory limit of such assessment.

A.D. 1912. (5) If any returning officer, presiding officer, clerk or officer of the local authority is guilty of any wilful act or omission in contravention of any of the provisions of this Act, or of any of the rules made by the Secretary for Scotland under this Act, he shall on summary conviction, in cases where no penalty 5 is otherwise provided, be liable to a penalty not exceeding ten pounds for the first and twenty pounds for every succeeding offence.

(6) Every person who forges or procures the forgery of any signature to a requisition, or alters or defaces a requisition, or 10 delivers to the clerk to the local authority any requisition knowing it to contain signatures which have been forged, or to have been altered or defaced in any way, shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding ten pounds, or, alternatively, to imprisonment 15 for a term not exceeding three months with or without hard labour.

Structural alterations.

6. As from the passing of this Act, and until the first day of June nineteen hundred and seventeen, it shall not be competent for a licensing court to order any structural alterations of 20 licensed premises under section forty-two, subsection (3), of the Licensing (Scotland) Act, 1903.

3 Edw. 7. c. 25.

Later hour of opening.

7. Notwithstanding anything contained in the Licensing (Scotland) Act, 1903, the licensing court shall insert in all certificates granted from or after the twenty-eighth day of May 25 nineteen hundred and thirteen the hour of ten o'clock in the morning in lieu of the hour of eight of the clock in the morning, and the forms of certificate contained in the Sixth Schedule to the said Act shall be construed accordingly: Provided that where sale of commodities other than exciseable liquors is 30 otherwise lawful, such commodities may be sold before such hour, and provided further that exciseable liquors may be despatched before such hour in fulfilment of orders received as prescribed by section sixty-three of the Licensing (Scotland) Act, 1903, and that section fifty-six of that Act shall apply to this 35 Act.

Amendment of law relating to clubs.

8.--(1) Section seventy-eight, subsection (1), of the Licensing (Scotland) Act, 1903 (hereinafter in this section referred to as "the Act of 1903"), shall be amended (a) by substituting the words "and the names and addresses of the members" for the words "and 40 the names of the members"; (b) by substituting the words "two justices of the peace who for the time being are members of the court of appeal for the county within which such premises

“ are situate, or, where such premises are situate within a burgh, A.D. 1912.
 “ either by two justices of the peace who for the time being are
 “ members of the court of appeal from the burgh licensing
 “ court or by two magistrates of the burgh, or by one justice,
 5 “ as aforesaid, and one magistrate,” for the words “two justices
 “ of the peace for the county within which such premises are
 “ situate, or, where such premises are situate within a burgh,
 “ either by two justices of the peace, as aforesaid, or by two
 “ magistrates of the burgh, or by one justice and one magistrate” ;
 10 and (c) by adding the words “(1) any such justice of the peace
 “ or magistrate may, within ten days from the date on which he
 “ signed the certificate, withdraw his name from the certificate
 “ granted by him; and (2),” after the words “ Provided that.”

(2) Section seventy-nine, subsection (2), of the Act of 1903
 15 shall be amended by including amongst those persons who may
 lodge objections to the grant or renewal of the certificate of
 registration the procurator fiscal and any person, or the agent
 of any person, owning or occupying property in the neighbour-
 hood of the club, and by substituting the word “twenty-one”
 20 for the word “ten.”

(3) Section seventy-nine, subsection (4), of the Act of 1903
 shall have effect as if the power conferred thereby on the sheriff
 (to award expenses against the unsuccessful party where objection
 has been taken to the grant or renewal of a certificate) included
 25 the like power where a summary complaint has been lodged.

(4) Any person or council competent under the Act of 1903
 to lodge objections to the grant or renewal of a certificate of
 registration may, within twenty-one days of the receipt of the
 notice of application for the grant or renewal of a certificate,
 30 lodge with the registrar objections to such grant or renewal of
 the certificate on one or more of the following grounds, and that
 in addition to the grounds specified in section eighty-one of the
 Act of 1903:—

- 35 (a) That the premises are, or the situation thereof is, not
 suitable or convenient for the purpose of a club; or
- (b) That the club is to be used mainly as a drinking club;
 or
- 40 (c) That the officials and committee of management, or
 governing body, or the manager, or a servant employed
 in or by the club have, or has, or will have, a personal
 interest in the purchase by the club or in the sale in
 the club of exciseable liquors, or in the profits arising
 therefrom; or

A.D. 1912.

- (d) That persons are habitually admitted or supplied as members without an interval of at least two weeks between their nomination and election as ordinary members; or
- (e) That the officials and committee of management or governing body or the members are persons of bad character or who follow no lawful occupation and have no lawful means of subsistence; or
- (f) That the club has been or will be used as the resort of criminals or persons of bad character; or 10
- (g) That men or women of bad fame assemble in or frequent the club.

(5) Section eighty-nine of the Act of 1903 shall be read as if the words "an application with the accompanying documents specified in section seventy-eight, subsection (1), of the Act of 1903, any one of" were substituted for the words "an application for registration." 15

(6) This section shall take effect as from the passing of this Act.

Amend-
ments of
3 Edw. 7.
c. 25.
ss. 16 and 31.

9.—(1) Notwithstanding anything contained in section sixteen of the Licensing (Scotland) Act, 1903, it shall be lawful for the licensing court and the licensing appeal court, in any case where there are more than one application for a certificate for the same premises, to hear and consider the said applications together. 20 25

(2) Section thirty-one, subsection (2), of the Licensing (Scotland) Act, 1903, shall be amended by substituting the words "until the twenty-eighth day of May or the twenty-eighth day of November following, as the case may be," for the words "until the next general half-yearly meeting of the licensing court." 30

(3) This section shall take effect as from the passing of this Act.

Sale of ex-
ciseable
liquors in
theatres.

10.—(1) Exciseable liquors may be supplied or sold in a theatre or other place of public entertainment, whether erected before or after the commencement of the Licensing (Scotland) Act, 1903, only on the days on which, and during the hours within which, exciseable liquors may be supplied or sold in public-houses within the burgh or county or county licensing district, as the case may be, in which said theatre or other place of public entertainment is situate, and at no other time: 35 40

[2 & 3 GEO. 5.] *Temperance (Scotland).*

9

Provided that nothing in this section contained shall authorise any supply or sale of exciseable liquors which would otherwise be illegal.

A.D. 1912.

(2) This section shall take effect as from the passing of
5 this Act.

11.—(1) Section fifty-five of the Licensing (Scotland) Act, 1903, shall be amended by inserting after “officer of police,” the words “including any constable in charge of any police station,” and after “medical official” the words “or in case of sickness,
10 accident, or emergency by a qualified medical practitioner.”

Sales on
order of
officials.

(2) This section shall take effect upon the passing of this Act.

12.—(1) Where any riot or tumult happens, or is expected to happen, the sheriff may order every holder of a certificate for the sale by retail of exciseable liquors in or near the place
15 where the riot or tumult happens, or is expected to happen, to close his premises during such time as the order shall require.

Power to
close certi-
ficated pre-
mises in
case of riot.

(2) If any person keeps open his premises for the sale of exciseable liquor during any time at which in pursuance of this section they are ordered to be closed, he shall be liable in
20 respect of each offence to a penalty not exceeding fifty pounds.

(3) This section shall take effect upon the passing of this Act.

13. Any person who is in a state of intoxication, and found attempting to enter any public-house, shall be subject to the same powers and procedure and penalty as provided in section
25 seventy of the Licensing (Scotland) Act, 1903.

Drunken
persons
entering
public-house.
3 Edw. 7.
c. 25.

14. Where any certificate is not renewed in virtue of the provisions of this Act, or of any resolution carried in virtue of said provisions, any lease existing at the first day of June one thousand nine hundred and twelve of the premises referred
30 to and licensed in said certificate, not being a long lease within the meaning of the Registration of Leases (Scotland) Act, 1857, and Acts amending the same, to the holder thereof, or any contract by the said holder existing at the said date for the purchase of exciseable liquors, or for service in connection with
35 the sale thereof, shall cease and determine on a non-renewal of the certificate as aforesaid, as if the date when the certificate was not renewed had been inserted in the lease or contract as the date of its natural termination :

Termination
of existing
leases, &c.

Provided that this section shall not apply in the case of
40 any lease or contract in which there is any provision altering

A.D. 1912. the conditions in the event of the licence not being renewed or any provision enabling the lessee to cause such lease or contract to cease and determine at any time between the first day of June, nineteen hundred and twelve, and the coming into operation of this Act. 5

Definitions. 15. The several words and expressions used in this Act shall unless otherwise provided or unless there be something in the subject or context repugnant to such construction have the same respective meanings as in the Licensing (Scotland) Act, 1903: 10

3 Edw. 7.
c. 25.

Provided that in this Act—

“Area” means—

(a) in the case of a burgh divided into wards the population of which burgh within the police boundaries thereof, according to the census for the time being last taken, is not less than ten thousand, any ward of such burgh, and in the case of other burghs, the whole burgh; and 15

(b) in the case of a county, the parish, as defined in the Local Government (Scotland) Act, 1894, excluding any burgh or part of a burgh therein, and where a parish is situated within two counties, the portion in each county shall, for the purposes of this Act, be deemed to be a separate parish: 20

“Burgh” means a royal, parliamentary, or police burgh: 25

“County” means a county exclusive of any burgh or part of a burgh comprised therein:

“Certificate” means any certificate for the sale by retail of exciseable liquors granted in terms of or under the provisions of the Licensing (Scotland) Act, 1903: 30
Provided that for the period during which a no-licence resolution is in force in any area, no dealer’s licence for the sale of exciseable liquor by wholesale shall be granted therein by the Commissioners of Customs and Excise or by any officer of Customs and Excise, except to brewers of beer for sale, distillers, rectifiers, or compounders of spirits, makers of sweets, or wholesale dealers in spirits, wine, beer, or sweets for premises for which similar licences have been taken out for twelve months before the date of the poll, without the production of a certificate 40

3 Edw. 7.
c. 25.

authorising such sale from the licensing court; which certificate shall be applied for, granted, confirmed, transferred, and renewed in the same manner as though it were a certificate authorising such sale by retail:

A.D. 1912.

5

“Elector” means, in the case of—

10

(a) a burgh, any person registered as entitled to vote at an election of town councillors for that burgh, and when used in relation to any area in a burgh means a person so registered as entitled to vote at an election for that area; and in the case of—

15

(b) a parish (excluding any burgh or part of a burgh therein), any person registered as entitled to vote at an election of parish councillors for that parish, excluding as aforesaid: Provided that the supplementary register made up in the year nineteen hundred and sixteen under section twenty-eight of the Local Government (Scotland) Act, 1889, shall continue in operation for the purposes of a poll under this Act in the year nineteen hundred and seventeen, and provided further that for the purposes of a requisition in the year of a triennial election of county councillors before the register of parish council electors is made up “elector” means any ratepayer within the parish, excluding as aforesaid:

52 & 53 Vict.
c. 50.

20

25

The expression “grant” when used in relation to a certificate includes the grant of a certificate by way of renewal:

30

“Local authority” means in the case of—

(a) a burgh, the town council thereof; and

(b) a county, the county council thereof:

35

“No-change resolution” means a resolution that the powers and discretion of the licensing court in regard to the grant of certificates or otherwise shall remain unchanged, and in section two as applied to a further poll in any area where a limiting resolution is in force means a continuance resolution.

40

16.—(1) This Act may be cited as the Temperance (Scotland) Act, 1912, and shall apply to Scotland only.

Short title
and citation.

(2) This Act and the Licensing (Scotland) Act, 1903, may be cited together as the Licensing (Scotland) Acts, 1903 to 1912.

A.D. 1912.

SCHEDULES.

SCHEDULE I.

FORM OF REQUISITION FOR A POLL.

We, the subscribers hereto, being electors in [*here insert area for which the poll is demanded*] do hereby demand a poll under the terms of the Temperance (Scotland) Act, 1912.

Signature.	Name in full.	Address.	Number on register.

SCHEDULE II.

FORM OF BALLOT PAPER.

10

(Ballot Paper for [*here insert name of area*].)

Counterfoil No.	1	NO-CHANGE RESOLUTION (means that the powers and discretion of the licensing court shall remain unchanged).	15
	2	LIMITING RESOLUTION (means that the number of certificates for the sale of exciseable liquors shall be reduced by one quarter <i>in accordance with the provisions of the Act</i>).	20
	3	NO-LICENCE RESOLUTION (means that no certificate for the sale of exciseable liquors shall be granted).	

Indicate your vote by making a **X** in the right-hand space opposite the resolution for which you vote. You have one vote, and may vote **25** for one resolution only. If you vote for the no-licence resolution and that resolution is not carried your vote will then be counted as a vote in favour of the limiting resolution.

Temperance (Scotland) Bill.

A M E N D M E N T S TO BE MOVED IN COMMITTEE BY THE LORD BALFOUR.

Clause 2, page 1, lines 14 and 15, leave out (“ a no-change resolution ”) and insert (“ a disinterested management resolution ”)

line 18, leave out from (“ (a) ”) to (“ any ”) on page 2, line 10, and insert (“ The resolution which has the highest number of votes cast in its favour shall be deemed to be carried provided as follows, that is to say :—

“ (a) In the case of a no-licence resolution that three-fifths at least in number of the persons voting are in favour thereof and not less than forty per cent. of the electors for such area on the register have voted in favour thereof, and

“ (b) In the case either of a disinterested management resolution or of a limiting resolution, that not less than thirty per cent. of the electors for such area on the register have voted in favour thereof, and ”)

page 2, lines 13 to 18, leave out subsection (4) and insert the following new subsection :

“(4) Every elector shall have three votes, one for or against each resolution: (a) in the event of any two resolutions obtaining the majority of votes required by this Act and the number of votes cast in favour of the one being equal to the number of votes cast in favour of the other, the sheriff of the county shall have a casting vote; (b) if none of the resolutions obtains the majority of votes required by this Act, then and in that case the Licensing Authority shall administer the existing laws, save and in so far as these have been added to, altered, or amended by this Act ”)

line 20, leave out (“ repealed or ”)

Clause 3, page 3, line 25, after (“ withdrawn ”) insert the following new subsection :

“(5) For the period during which a disinterested management resolution remains in force in any area, no certificate for the retail

(149 a)

A

sale of exciseable liquors shall be granted in such area, except to an authorised public company expressly constituted for the purposes of this Act, and subject to the conditions hereinafter set forth. A company shall be deemed to be an authorised public company within the meaning of this subsection when it has been registered under the Companies Acts, and its memorandum and articles of association have been approved by the Secretary for Scotland for the purposes of this Act ”)

After clause 3 insert the following new clause :

4.—(1) Certificates granted to an authorised public company under section 3 of this Act shall be granted subject to such conditions as may be required by the rules which the Secretary for Scotland shall make from time to time with respect to certificates so granted, and for regulating the conduct and procedure of authorised companies ; provided (a) that it shall be competent for such authorised company to apply to the licensing court for the provisional grant of one or more such certificates without stating in the statutory application where the premises are severally situated or the proprietor's or factor's name and designation, and the licensing court shall make such provisional grants accordingly, but such provisional grants shall not be valid until declared to be final by the order of the licensing court to be made whenever the licensing court is satisfied that the premises selected by the authorised company are suitable ; and (b) that nothing in this Act shall entitle an authorised public company to apply for or to obtain a greater number of such certificates in any area than the number of certificates in force in such area at the date at which this Act came into operation ; but it shall be competent for such authorised public company to apply for and to obtain a smaller number of such certificates than the number in force as aforesaid.

(2) The whole of the surplus profits of an authorised public company, after payment of not more than four per centum per annum on capital, and the formation of a reserve fund equal in amount to the paid-up capital upon such terms as may be fixed by the memorandum and articles of association of the said company and approved by the Secretary for Scotland, shall be paid into the Bank of England to a special account to be called “The Temperance Reform (Scotland) Account,” which shall be audited as a public account by the Comptroller and Auditor-General in accordance with such regulations as the Treasury may from time to time make.

(3) All sums from time to time paid to the said account shall be applied by or under the direction of the Secretary for Scotland

(3)

in making grants to county councils, to district committees of county councils, to town councils, to authorised public companies as defined by this Act, or such other public bodies as he shall think fit; and these grants, which shall be in proportion to the populations in the areas chosen by the Secretary for Scotland, shall be applied in providing and maintaining buildings and premises in which intoxicating liquors shall not be supplied or consumed, and in carrying them on as recreative and social centres for the people resident in such areas, in terms of a scheme to be prepared and issued by the Secretary for Scotland.

(4) No profit or advantage from the sale of exciseable liquors shall accrue to the shareholders or directors of the said company beyond the aforesaid dividend, and the salary or remuneration of the managers or employees of the said company shall not be dependent on, and shall not be subject to increase or decrease in proportion to, the sale of intoxicating liquors in the licensed house or houses under their control.

(5) The accounts of every authorised public company shall be submitted to an annual audit by an auditor to be appointed by the Secretary for Scotland, and his report with abstract of accounts shall be published in a newspaper circulating in the area. The auditor so appointed shall disallow and surcharge upon the interest on capital all unreasonable payment for rent, salaries, and liquor, and any use of the profits otherwise than as herein-before provided. The licensing court shall also have power to appoint an auditor who shall have the right to inspect the books of the company at any reasonable time.

(6) No person who, under section nine of the Licensing (Scotland) Act, 1903, is debarred from acting as a member of a licensing court shall be eligible to be a member or director or a shareholder of an authorised public company within the meaning of this Act.

(7) The Secretary for Scotland shall have power at any time to revoke the certificate or certificates granted to an authorised public company for any breach of the aforesaid regulations, or for other reasons that he may deem sufficient.

Clause 4, page 3, lines 36 to 40, leave out paragraph (a).

page 4, lines 2 and 3, leave out ("the repeal or
"continuance of any such resolution or for") and insert (", or
"against a disinterested management resolution or for or
"against.")

line 4, after ("for") insert ("or against")

(149 a)

A 2

Clause 4, page 4, lines 4 and 5, leave out from (" resolution ") to the end of paragraph (b).

lines 11 and 12, leave out (" repealing the " same ") and insert (" the following options, that is to say, for or " against the continuance of such resolution or for or against a " disinterested management resolution ; and

(d) if a disinterested management resolution is in force, for " the following options, that is to say, for or against the con- " tinuance of such resolution, or for or against a no-licence " resolution ")

line 16, after (" resolution ") insert (" is in " force, and the majority of the votes recorded is not in favour " of further limitation, such resolution shall remain in force, and " where a disinterested management resolution ")

lines 18 and 19, leave out (" not in favour " of the repeal of such resolution, such repeal shall not be " carried ") and insert (" in favour of the continuance of such " resolution, such resolution shall remain in force ")

Clause 15, page 10, lines 13 to 24, leave out paragraphs (a) and (b) and insert the following new paragraphs :

(a) In the case of counties and in the case of burghs which have more than three thousand electors on the municipal register, the area which shall be fixed in manner after-mentioned, viz. : It shall be the duty of the county council or of the town council, as the case may be, within two years from the passing of of this Act, and from time to time thereafter as may be necessary, to frame a scheme delimiting the provisional area or areas which, taking into account the electoral divisions of such county or the wards of such burgh, constitute the most suitable area or areas for the purposes of this Act, but in every case with these provisoes : (1) It shall be competent in any such scheme by agreement between the local authorities concerned to include one or more wards in such burgh or burghs within an area or areas of a county or counties, or to include one or more electoral divisions of a county or counties within an area or areas of a burgh or burghs ; (2) In no case shall the number of electors in such provisional area, except when such provisional area is a county, be less than two thousand ; (3) In no case shall an electoral division in a county or a ward in a burgh be subdivided so as to form the

(5)

whole or part of a provisional area. Such scheme when framed shall be submitted to the Secretary for Scotland who, after making such inquiry as he may deem necessary, shall have power to approve thereof or to alter or vary the same. Thereafter the Secretary for Scotland shall cause the scheme as finally approved by him to be laid before both Houses of Parliament, and after it has lain two months before Parliament, then, unless within such two months an address has been presented by one or other of the said Houses, praying His Majesty to withhold his consent from such scheme or any part thereof, it shall be lawful for His Majesty, by Order in Council, to declare his approbation of such scheme or any part thereof to which such address does not relate. A scheme, when approved by His Majesty in Council, shall have full operation and effect from the date of such Order in Council in the same manner as if it had been enacted in this Act; and thereupon, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject-matter of the scheme, so far as inconsistent with the provisions thereof, shall be repealed and abrogated.

- (b) When any burgh has fewer than 2,000 electors on the municipal register, it shall be treated as part of the county or counties within which it is situated.

Clause 15, page 11, line 13, leave out from the beginning of paragraph (b) to ("Provided") in line 16 and insert ("a county (excluding any burgh or part of a burgh therein), any person registered as entitled to vote at an election of county councillors for that county, excluding as aforesaid; and when used in relation to any area in a county means a person so registered as entitled to vote at an election for that area")

line 25, leave out ("parish") and insert ("county")

line 26, leave out ("parish") and insert ("county")

line 33, leave out from ("thereof") to the end of the clause.

Page 12, leave out Schedule II. and insert the following new schedule :

FORM OF BALLOT PAPER.

Ballot Paper for [*here insert name of area*].

		For.	Against.
1.	<i>Disinterested Management Resolution</i> (means that all the certificates to be granted shall be granted to an authorised public company).		
2.	<i>Limiting Resolution</i> (means that the number of certificates for the sale of exciseable liquors shall be reduced by one-quarter in accordance with the provisions of the Act).		
3.	<i>No-Licence Resolution</i> (means that no certificate for the sale of exciseable liquors shall be granted).		

Every elector has three votes—one for or against each of the three resolutions, but no elector may place more than one cross opposite any one resolution.

Temperance (Scotland) Bill.

A M E N D M E N T S T O B E M O V E D I N C O M M I T T E E.

BY THE LORD LOVAT.

Clause 1, page 1, line 6, leave out (“ five ”) and insert (“ fourteen ”)

BY THE EARL OF CAMPERDOWN.

Clause 1, page 1, leave out line 7 and insert (“ passing thereof ”)

Clause 2, page 1, line 9, leave out (“ lodged with ”) and insert (“ found by ”)
line 10, after the first (“ authority ”) insert (“ to have been duly signed ”)

Clause 3, page 2, line 36, leave out from (“ meal ”) to the end of the subsection.

Clause 5, page 4, line 20, leave out subsection (1) and insert the following new subsection :

(1) The requisition for a poll shall be made upon a requisition paper which shall be in the form set out in Schedule I. of this Act and shall be signed by not less than one-tenth of the electors in the area who shall append their full addresses. On the demand of ten electors made not earlier than the fifteenth day of August or later than the twenty-fifth day of August next preceding the date on which a poll can be taken under this Act a requisition paper shall be prepared by the clerk to the local authority who shall forthwith insert in not less than two newspapers circulating in the district a notice that such paper is being publicly exhibited at his office, or at such fit and convenient place within the area to which the requisition applies as he shall in such notice specify for signature and inspection until the thirtieth day of the next following month of September when it will be removed. If the requisition paper shall be found by the local authority to have been duly
(149 b)

signed by not less than one-tenth of the electors in the area, the clerk to the local authority shall thereupon insert in not less than two newspapers circulating in the area a notice that such requisition has been duly made.

Clause 5, page 6, line 10, leave out from the second (“ requisition ”) to (“ shall ”) in line 13.

BY THE LORD SALTOUN.

Clause 2, page 2, line 14, leave out from (“ poll ”) to the end of line 18.

Clause 4, page 4, line 5, leave out from (“ resolution ”) to (“ and ”) in line 10.

Clause 7, page 6, line 26, leave out (“ the hour of ”) and insert (“ an opening hour not being earlier than eight o'clock in the morning or later than ”)

line 27, leave out from the first morning to the end of line 27.

Schedule II., page 12, line 26, leave out from (“ only ”) to the end of the Schedule.

BY THE LORD BELHAVEN AND STENTON.

Clause 7, page 6, line 26, leave out (“ ten ”) and insert (“ nine ”)

BY THE LORD LAMINGTON.

Page 10, line 5, after (“ act ”) insert the following new clause :

“ Improved
Public
House ”
certificates.

.—(1) Where licensed premises are not merely places for the consumption of intoxicating liquor, but contain adequate provision for the supply of food, light refreshments, and for recreation, and are airy, commodious and comfortable, and have proper seating and sanitary accommodation, the licensing court shall, on the application of the licence holder, when the application for the grant or renewal of a licence is heard, issue a certificate that the premises form “ an improved public house.”

(3)

(2) An appeal to the Court of Appeal shall lie against refusal by the licensing court to grant such a certificate, and against withdrawal thereof.

(3) Licensed premises to which an "improved public house" certificate is attached, shall be exempt from the provisions of this Act.

Temperance (Scotland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD LOVAT,
THE EARL OF CAMPERDOWN,
THE LORD SALTOUN,
THE LORD BELHAVEN AND
STENTON
AND
THE LORD LAMINGTON.

13th November 1912.

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(149 b)

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE LORD DUNMORE (*E. Dunmore*).

Clause 3, page 2, line 43, leave out from (“ shall ”) to the end of subsection (2) on page 3, and insert (“ be the duty of the licensing court to reduce the number of certificates to be granted in that area by such number, not exceeding twenty-five per cent. of the number of certificates in force at the date at which such resolution is carried as the court, having regard to the fact that a limiting resolution has been carried, shall think fit ”)

page 3, line 26, leave out (“ or reducing ”)

line 27, leave out (“ or of a limiting resolution ”)

line 28, after (“ appeal ”) insert (“ but where any certificate has been withdrawn to give effect to a limiting resolution an appeal shall lie from such decision as in the case of the refusal of the renewal of a certificate under the provisions of the Licensing (Scotland) Act, 1903 : Provided always that if the result of any appeal or appeals under this provision is to render the certificates in existence in the area in excess of the number allowed by the limiting resolution, the licensing court shall, before the next general half-yearly meeting of the licensing court, prepare a scheme for the reduction of the certificates to the aforesaid number, and shall notify the same in manner similar to that prescribed in respect of the original scheme and shall proceed to give effect thereto ”)

Schedule II., page 12, line 19, after (“ by ”) insert (“ a number not exceeding ”)

BY THE EARL OF CAMPERDOWN.

Clause 6, page 6, line 18, leave out (“ day of June nineteen hundred and seventeen ”) and insert (“ earliest date when resolutions under the provisions of this Act can come into operation ”)

BY THE LORD LOVAT.

Clause 15, page 11, line 16, after (“the”) insert (“last preceding”)
line 17, leave out from (“up”) to (“under”) in line 18.
line 21, leave out (“under this Act in the year nineteen hundred and seventeen”) and insert (“taken in the first year in which a poll can be taken under the provisions of this Act”)

**Temperance (Scotland)
Bill.**

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD DUNMORE (*E. Dunmore*),

THE EARL OF CAMPERDOWN,

AND

THE LORD LOVAT.

18th November 1912.

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(149 c)

Temperance (Scotland) Bill.

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E .

BY THE LORD CLINTON.

Clause 2, page 1, line 18, leave out ("three-fifths") and insert ("two-thirds")

Clause 15, page 10, line 13, leave out from ("burgh") to the end of the paragraph and insert ("the population of which within the police boundaries thereof according to the census for the time being last taken is less than thirty thousand, the whole burgh; and in the case of any other burgh any ward or any combination of wards approved by the Secretary of State for Scotland of such burgh the population of which is not less than fifteen thousand")

BY THE LORD DUNMORE (*E. Dunmore*).

Clause 2, page 1, line 20, leave out ("thirty") and insert ("fifty")

page 2, line 2, leave out ("thirty") and insert ("forty")

(149 *d*)

Temperance (Scotland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD CLINTON

AND

THE LORD DUNMORE (*E. Dunmore*).

19th November 1912.

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(149 d)

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE EARL OF CAMPERDOWN.

After clause 5 insert the following new clause :

6.—(1) There shall be established in accordance with the provisions of the Third Schedule to this Act a Scottish Licence Holders Central Insurance Board and also a mutual insurance association or associations, and every holder of a certificate shall insure in one or other of such associations.

(2) The insurance of certificates shall be carried out in accordance with the provisions set out in the Third Schedule to this Act, and the holder of any new certificate granted after the passing of this Act in respect of any premises which are not certificated at the time of the application for such grant, and not being premises in substitution for certificated premises from which a certificate is withdrawn, shall make the payments prescribed in the Third Schedule to this Act.

(3) A person from whom a certificate is withdrawn in pursuance of a resolution under this Act may demand the declared value of the certificate insured by him in accordance with the scheme of insurance set forth in the Third Schedule to this Act, and may, subject to the provisions of such scheme, recover the moneys payable to him thereunder.

(4) No excise licence for the sale by retail of excisable liquor shall be granted by the Commissioners of Customs and Excise or by any officer of Customs and Excise except upon the production by the person authorised to hold the licence of a receipt for the insurance of his certificate for the year to which the licence relates, and in the case of the holder of a new certificate, as described in Subsection (2) of this section, except upon the production also of a receipt for any payment then due from such person in accordance with the Third Schedule to this Act.

(5) This section shall take effect as from the passing of this Act.

(149]e)

A

Page 12, after line 28 insert the following Schedule as Schedule III.

1. Before the twenty-eighth day of May next after the passing of this Act, every holder of a certificate shall become a member of a Mutual Insurance Association (in this Schedule referred to as "an association") which shall be an association ~~not~~ carried on for profit and shall be registered under the Companies (Consolidation) Act, 1908, or the Friendly Societies Acts. The affairs of an association shall be subject to the absolute control of its members and one of the objects of an association shall be the insuring of every member of the association against loss arising from the withdrawal of his certificate by reason of a resolution under this Act. An association shall have a membership of not less than :—

- (a) in the case of an association insuring only "on" licenses one thousand holders of such licenses ; or
- (b) in the case of an association insuring only "off" licenses five hundred holders of such licenses ; or
- (c) in the case of an association insuring both "on" and "off" licenses one thousand "on" license holders and five hundred "off" license holders.

2. The application to become insured in an association shall be signed by the applicant, and shall contain a declaration of the value (hereinafter called "the declared value") of the certificate to be insured and such further particulars as the association may require.

3.—(1) The premium payable to an association in respect of the insurance of a certificate under this Act shall be an annual premium payable in advance and inclusive of the expenses of administration shall be at such rate not exceeding one half per centum of the declared value as the central board (established under this Schedule) may determine.

(2) The holder of a certificate who has paid the premium or levy payable in respect of the insurance of the certificate shall be entitled to deduct from the interest on any loan advanced to him under any agreement, undertaking, or covenant binding him to obtain a supply of excisable liquor from the lender a sum bearing such proportion to the said premium or levy as the loan bears to the declared value of the said certificate. Provided that the lender shall have a lien upon such insurance proportionate to the premium or levy paid by him, and in default of agreement the amount of premium or levy to be deducted or insurance to be paid shall be determined by the Sheriff.

(3) In each year the secretary of an association shall on the payment by the insured person of the premium then payable, give him a receipt therefor, and the receipt shall be evidence that the applicant is insured for the year to which it relates. Provided that if in any year the association

. (3)

shall have imposed any levy on its members in accordance with the provisions of this Act, the Secretary shall withhold the receipt for the premium from any member who has not paid the amount of the said levy until the same shall have been paid.

4.—(1) As soon as may be, but not later than four months after the passing of this Act there shall be constituted a Board to be styled the “Scottish Licence Holders Central Insurance Board” (in this Schedule referred to as the “Central Board”) consisting of nine members to be increased to not exceeding twenty-one members as hereinafter provided who shall hold office for not more than two years of whom four shall be “on” licence holders two “off” licence holders and the remaining members a brewer, distiller, and wholesale dealer respectively, elected by the holders of certificates and the central board shall elect a chairman from their own number.

(2) The central board shall be a body corporate with a common seal, and the quorum of a meeting of the central board shall be three when the number of the members of the central board does not exceed nine and five when the number of the members exceeds nine.

(3) The Secretary of the Licensed Trade Defence Association of Scotland shall receive nominations for membership and proceed to the election of a central board within three months after the passing of this Act, which election shall be decided by a majority of the certificate holders voting for a representative of each of the several classes of constituent members of such board, and the expenses of such election shall be a charge against the first premiums payable in respect of insurance under the provisions of this Act.

5. The central board shall within twelve months after the passing of this Act make rules prescribing amongst other things—

- (1) The principles on which the declared value of certificates is to be ascertained and conditions on which these may be modified or re-adjusted.
- (2) The manner of subsequent election and the number of members of the board, which shall not exceed twenty-one, the duration of their office and the basis of representation. Provided that in addition to at least nine members elected in the same proportions as in the central board first constituted each association may elect one member to the central board for every one thousand certificates insured with such association.
- (3) The mode in which claims and payments in respect of claims are to be made.
- (4) Any matters incidental to the proper conduct of the affairs of the board and to carrying out the provisions of this Act.

Provided always that no such rule shall contain anything inconsistent with the provisions of this Act, and every such rule shall be subject to the approval of the Secretary for Scotland.

6.—(1) On or before the thirtieth day of June in each year every Association insuring certificates under this Act shall pay to the central board eight shillings and sixpence per centum of the declared value from the amount of the premiums received by the association under the provisions of this Act, and shall at the same time send to the central board, full particulars of all insurances effected with the association, together with such observations (if any) on the declared value to which each insurance relates, as the association may think fit.

(2) The amounts received in respect of premiums paid by holders of certificates for on-licences and by holders of certificates for off-licences respectively, shall be carried to the central board to two separate accounts to be called respectively "The On-Licence Holders' Insurance Fund" and "The Off-Licence Holders' Insurance Fund." No part of the "On-Licence Holders' Insurance Fund" shall be applied to the payment of any claim relating to an off-licence and no part of the "Off-Licence Holders' Insurance Fund" shall be applied to the payment of any claim relating to an on-licence. The central board shall have the management of the said funds, and the investment thereof, and the whole of the said funds shall be applied to the payment of claims as provided by this Act.

(3) The necessary office and administration expenses of the central board shall be contributed by each association in proportion to the total declared values of the certificates insured by said associations. Provided that the fees to members of the central board shall not exceed an aggregate of one thousand pounds in any one year.

7.—(1) The claims payable by the central board to an association shall in no case exceed the declared values of certificates insured with such association and which have been withdrawn by reason of any resolution carried under this Act.

(2) If the available funds of the central board are insufficient, the claims of the members of each association against each fund shall be proportionately abated.

(3) A claim upon the funds of the central board shall not be valid except in respect of the year in which a certificate in respect of which a claim is made has been withdrawn by reason of any resolution carried under this Act.

8.—(1) Where in any year the respective amounts paid over by the central board are insufficient to enable an association to pay in full the respective claims of its "off" and "on" members arising in that year the directors of an association shall impose upon the on-licence holders or off-licence holders (as the case may require) who are members of the association a levy not exceeding one and a half per centum of the declared value in respect of which each member is insured.

(5)

(2) If the proceeds of the levy are insufficient to pay in full the claims in respect of which it was made, the unpaid balance of the claims shall be carried forward for the two following years, and in each of these years, if necessary, the like levy shall be made and the proceeds thereof shall be applied to the payment of all outstanding claims referable to the fund in respect of which the deficiency has arisen, and to no other purpose.

(3) After the distribution in the third year all claims in respect of the insurance of a certificate against the association shall be deemed to have been discharged.

9. The holder of any new certificate for premises not certificated at the time of the application for such certificate and not being premises in substitution for certificated premises from which a certificate is for the purpose of removal being withdrawn shall pay to "The On-Licence Holders' Insurance Fund" or "The Off-Licence Holders' Insurance Fund" as the case may be a sum equal to the declared value of such certificate in two half yearly payments on the twenty-eighth day of May and the twenty-eighth day of November in addition to the premium or levy hereinbefore mentioned and the excise licence duty in respect of such certificate.

10. The clerk of a licensing court shall, on request, furnish to the central board or to any Association formed under the provisions of this Act or before the constitution of the central board to the secretary of the Licensed Trade Defence Association of Scotland a list of all the persons who have obtained certificates for the sale by retail of excisable liquor in the district within the jurisdiction of the licensing court for the current year, together with such information contained in the register of certificates for the district as may be required under the provisions of this Act. Such list as aforesaid shall be prepared by the clerk to the licensing court in conformity with the conditions set out in section twenty-five of the Licensing (Scotland) Act, 1903, and the clerk shall be entitled to remuneration as prescribed in that section.

11. In this Schedule unless the context otherwise requires—

The expression "on licence" means a licence for the sale of any excisable liquor for consumption on the premises :

The expression "off licence" means a licence for the sale of any excisable liquor not to be consumed on the premises.

BY THE LORD KINTORE (*E. Kintore*).

After clause 8 insert the following new clause :

Restriction
on sale of
liquor in
clubs situate
within "no
licence"
areas.

9.—(1) In any area where a no licence resolution is in force excisable liquors shall not be supplied or sold in any club except to persons lodging or residing in the club, or to persons taking a meal on the premises of the club for consumption with such meal.

(2) If any excisable liquor is supplied or sold in a club in contravention of the provisions of this section, every person who shall pay for such liquor, and every person authorising the sale or supply of such liquor, shall be liable severally on summary conviction to a fine not exceeding, for a first offence, seven pounds, for a second offence fifteen pounds, and for a third or subsequent offence thirty pounds, unless he proves to the satisfaction of the court that such liquor was so sold or supplied without his knowledge or against his consent, and where a conviction has taken place under the provisions of this section the provisions of Section 85 of the Licensing (Scotland) Act, 1903, shall apply to the club, and the certificate of registration may be cancelled as provided in that section.

BY THE LORD CLINTON.

[*In substitution for Amendment previously circulated.*]

Clause 15, page 10, line 13, leave out from ("burgh") to the end of paragraph (a) and insert ("the population of which
" within the police boundaries thereof according to the census
" for the time being last taken is less than thirty thousand,
" the whole burgh ; and in the case of any other burgh any ward
" or any combination of wards of such burgh the population of
" which is not less than fifteen thousand in accordance with a
" scheme prepared by the town council and approved by the
" Secretary for Scotland ")

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE MARQUESS OF SALISBURY.

Clause 2, page 1, line 15, after (“ (b) ”) insert (“ a disinterested management resolution, or (“ (c) ”)

page 2, line 2, after (“ resolution ”) insert (“ or of a disinterested management resolution, as the case may be ”)

Clause 3, page 3, line 25, after (“ withdrawn ”) insert the following new subsection :

(5) For the period during which a disinterested management resolution remains in force in any area the licensing court may in lieu of any existing certificate within the area grant a certificate to an authorised public company as defined in this section, and no new certificate shall be granted within the area except to an authorised public company. A certificate may be granted to an authorised public company subject to such conditions as the licensing court may think fit, and where a certificate is so granted in lieu of an existing certificate the grant of the certificate shall be subject to the payment by the authorised public company of such sum as the court, having regard to the provisions of this section, may consider to be reasonable. The sum so received from the authorised public company shall be paid as compensation to the holder of the certificate which has been withdrawn in pursuance of the disinterested management resolution, or if the licensing court so order, the sum shall be divided between the holder of the certificate and such other persons as in the opinion of the licensing court are interested and in such proportions as the Court may order.

(6) An authorised public company means a company registered under the Companies (Consolidation) Act, 1908, one of whose objects shall be the sale of excisable liquors and whose memorandum and articles of association have been approved by the Secretary for

(149 f)

Scotland. The articles of association shall make provisions for such matters as the Secretary for Scotland may prescribe and shall provide among other things :

- (a) that the whole of the profits after payment of interest at four per centum on any sum paid as compensation and not more than four per centum on the paid-up capital, and after making provision for the formation of a reserve fund equal in amount to the paid-up capital upon such terms as may be fixed by the memorandum and articles of association, shall be paid to the Secretary for Scotland, and shall be expended upon works of public utility for the benefit of the inhabitants of the area in accordance with a scheme prepared by the county council, or in the case of a burgh by the town council, which scheme shall be subject to the approval of the Secretary for Scotland;
- (b) that the salary or remuneration of the managers or employees of the company shall not be dependent on, and shall not be subject to increase or decrease in proportion to, the sale of intoxicating liquors in any licensed house under the control of the company ;
- (c) that the accounts of the company shall be submitted to an annual audit by an auditor to be approved by the Secretary for Scotland, and that the report of such auditor with an abstract of the accounts shall be published in a newspaper circulating in each area in which the company holds a certificate.

Clause 4, page 3, line 37, after the first (" resolution ") insert (" or disinterested management resolution ")

line 40, after (" for ") insert (" a disinterested management resolution or for ")

page 4, line 4, after (" for ") insert (" a disinterested management resolution or for ")

line 10, after (" and ") insert :

" (c) if a disinterested management resolution is in force for the following options, that is to say for the repeal or continuance of any such resolution, or for a limiting resolution, or for a no licence resolution "

line 16, after (" resolution ") insert (" or a disinterested management resolution ")

(3)

Second Schedule, page 12, line 15, after (" unchanged ")
insert :

2	<p>DISINTERESTED MANAGEMENT RESOLUTION.</p> <p>(means that all new certificates for the sale of excisable liquors shall be granted only to an authorised public company whose surplus profits are to be devoted to works of public utility in the area ; and that existing certificates may be so granted in accordance with the provisions of this Act).</p>
---	--

BY THE LORD BALFOUR.

Clause 3, page 3, lines 26 and 27, leave out (" or reducing ")
lines 27 and 28, leave out (" or of a limiting
" resolution ")

line 28, after subsection (5) insert the following new subsections :

(6) The scheme adjusted by the licensing court in pursuance of a limiting resolution and the decisions by the licensing court following thereon, at the said April meeting, reducing the total number of certificates shall be subject to review by the licensing court of appeal. Provided that without prejudice to all other powers or discretions competent to such court of appeal such court of appeal shall not increase or reduce the total number of certificates granted by the licensing court in pursuance of the said limiting resolution.

(7) The clerk of the licensing court shall within three days after the April meeting of such court or any adjournment thereof, transmit a certified copy of the scheme as adjusted by the licensing court, in pursuance of a limiting resolution and of the decisions following thereon to the clerk of the court of appeal to be submitted to the court of appeal. The court of appeal shall meet not earlier than fourteen days nor later than one month after the date of the last meeting or adjourned meeting of such licensing court to consider the scheme and decisions thereon of the licensing court, and shall have power to confirm or vary the same. The date of meeting of the court of appeal shall be

advertised in at least one local newspaper at least ten days prior to the meeting of such court, and all parties interested shall be entitled to appear and be heard.

Clause 8, page 6, line 42, leave out (" justices of the peace " who for the time being are ") and after (" members ") insert (" either of the licensing court or ")

page 7, line 1, after (" situate ") insert (" or one " member of each of such courts not being the same member ")

Clause 9, page 8, line 25, after subsection (1) insert the following new subsection :

(2) Section 5 subsection (9) of the Licensing (Scotland) Act, 1903, shall be amended (*a*) by substituting the words " one third " for the words " one half "; and (*b*) by adding the words " provided " that in the absence of a quorum the chairman of a licensing " court or court of appeal or in the absence of the chairman the " clerk may call a further meeting of such courts respectively " after the word " quorum. "

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE MARQUESS OF SALISBURY

AND

THE LORD BALFOUR.

21st November 1912.

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(149f)

Temperance (Scotland) Bill.

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A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE EARL BEAUCHAMP.

Clause 3, page 2, line 38, after (“ certificate ”) insert (“ in any year after the year in which it is first granted under the provisions of this section ”) and after (“ Court ”) insert (“ by production of an excise licence or otherwise ”)

Clause 11, page 9, line 11, leave out (“ upon ”) and insert (“ as from ”)

Clause 12, page 9, line 21, leave out (“ upon ”) and insert (“ as from ”)

Clause 13, page 9, line 23, after (“ be ”) insert (“ thereby guilty of an offence and shall be ”)

line 24, after (“ in ”) insert (“ the first paragraph of Subsection (1) of ”)

line 25, after (“ 1903 ”) insert the following new subsection :

(“ (2) This Section shall take effect as from the passing of this Act.”)

Clause 15, page 10, line 41, after (“ poll ”) insert (“ including any reconstruction of, addition to, or extension of such premises on the same or an adjoining site ”)

page 11, line 5, after (“ retail ”) insert (“ and provided, further, that subject to the variation of conditions prescribed by this Act the form of certificate for an inn and hotel or for a restaurant granted under section three of this Act shall be, respectively, the first and second form prescribed by the Sixth Schedule of the Licensing (Scotland) Act, 1903 ”)

line 30, after (“ renewal ”) insert (“ or transfer ”)

Schedule II., page 12, line 23, after (“ granted ”) insert (“ except for inns and hotels or restaurants in special cases in accordance with the provisions of this Act ”)

(149 g)

**Temperance (Scotland)
Bill.**

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL BEAUCHAMP.

22nd November 1912.

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(149 g)

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

Clause 1.

BY THE LORD LOVAT.

Page 1, line 6, leave out (" five ") and insert (" fourteen ")

BY THE EARL OF CAMPERDOWN.

Page 1, leave out line 7 and insert (" passing thereof ")

Clause 2.

BY THE EARL OF CAMPERDOWN.

Page 1, line 9, leave out (" lodged with ") and insert (" found
" by ")

line 10, after the first (" authority ") insert (" to have
" been duly signed ")

BY THE LORD BALFOUR.

Page 1, lines 14 and 15, leave out (" a no-change resolution ")
and insert (" a disinterested management resolution ")

BY THE MARQUESS OF SALISBURY.

Page 1, line 15, after (" (b) ") insert (" a disinterested manage-
" ment resolution, or (" (c) ")

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A

Clause 2—continued.

BY THE LORD BALFOUR.

Page 1, line 18, leave out from (“(a)”) to (“any”) on page 2, line 10, and insert (“The resolution which has the highest number of votes cast in its favour shall be deemed to be carried provided as follows, that is to say:—

“(a) In the case of a no-licence resolution that three-fifths
“ at least in number of the persons voting are in
“ favour thereof and not less than forty per cent. of
“ the electors for such area on the register have voted
“ in favour thereof, and

“(b) In the case either of a disinterested management
“ resolution or of a limiting resolution, that not less
“ than thirty per cent. of the electors for such area
“ on the register have voted in favour thereof, and”)

BY THE LORD CLINTON.

Page 1, line 18, leave out (“three-fifths”) and insert (“two-thirds”)

BY THE LORD DUNMORE (*E. Dunmore*).

Page 1, line 20, leave out (“thirty”) and insert (“fifty”)

BY THE MARQUESS OF SALISBURY.

Page 2, line 2, after (“resolution”) insert (“or of a disinterested management resolution, as the case may be”)

BY THE LORD DUNMORE (*E. Dunmore*).

Page 2, line 2, leave out (“thirty”) and insert (“forty”)

BY THE LORD SALTOUN.

Page 2, line 14, leave out from (“poll”) to the end of line 18.

BY THE LORD BALFOUR.

Page 2, lines 13 to 18, leave out subsection (4) and insert the following new subsection:

“(4) Every elector shall have three votes, one for or against each resolution: (a) in the event of any two resolutions obtaining

(3)

Clause 2—continued.

the majority of votes required by this Act and the number of votes cast in favour of the one being equal to the number of votes cast in favour of the other, the sheriff of the county shall have a casting vote; (b) if none of the resolutions obtains the majority of votes required by this Act, then and in that case the Licensing Authority shall administer the existing laws, save and in so far as these have been added to, altered, or amended by this Act")

Page 2, line 20, leave out ("repealed or")

Clause 3.

BY THE EARL OF CAMPERDOWN.

Page 2, line 36, leave out from ("meal") to the end of the subsection.

BY THE EARL BEAUCHAMP.

Page 2, line 38, after ("certificate") insert ("in any year after the year in which it is first granted under the provisions of this section") and after ("court") insert ("by production of an excise licence or otherwise")

BY THE LORD DUNMORE (*E. Dunmore*):

Page 2, line 43, leave out from ("shall") to the end of subsection (2) on page 3, and insert ("be the duty of the licensing court to reduce the number of certificates to be granted in that area by such number, not exceeding twenty-five per cent. of the number of certificates in force at the date at which such resolution is carried as the court, having regard to the fact that a limiting resolution has been carried, shall think fit")

BY THE LORD BALFOUR.

Page 3, line 25, after ("withdrawn") insert the following new subsection:

("(5) For the period during which a disinterested management resolution remains in force in any area, no certificate for the retail sale of exciseable liquors shall be granted in such area, except to an authorised public company expressly constituted for the purposes of this Act, and subject to the conditions hereinafter

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A 2

Clause 3—*continued.*

set forth. A company shall be deemed to be an authorised public company within the meaning of this subsection when it has been registered under the Companies Acts, and its memorandum and articles of association have been approved by the Secretary for Scotland for the purposes of this Act”)

BY THE MARQUESS OF SALISBURY.

Page 3, line 25, after (“ withdrawn ”) insert the following new subsections :

(5) For the period during which a disinterested management resolution remains in force in any area the licensing court may in lieu of any existing certificate within the area grant a certificate to an authorised public company as defined in this section, and no new certificate shall be granted within the area except to an authorised public company. A certificate may be granted to an authorised public company subject to such conditions as the licensing court may think fit, and where a certificate is so granted in lieu of an existing certificate the grant of the certificate shall be subject to the payment by the authorised public company of such sum as the court, having regard to the provisions of this section, may consider to be reasonable. The sum so received from the authorised public company shall be paid as compensation to the holder of the certificate which has been withdrawn in pursuance of the disinterested management resolution, or if the licensing court so order, the sum shall be divided between the holder of the certificate and such other persons as in the opinion of the licensing court are interested and in such proportions as the Court may order.

(6) An authorised public company means a company registered under the Companies (Consolidation) Act, 1908, one of whose objects shall be the sale of excisable liquors and whose memorandum and articles of association have been approved by the Secretary for Scotland. The articles of association shall make provisions for such matters as the Secretary for Scotland may prescribe and shall provide among other things :

(a) that the whole of the profits after payment of interest at four per centum on any sum paid as compensation and not more than four per centum on the paid-up capital, and after making provision for the formation of a reserve fund equal in amount to the paid-up capital

(5)

Clause 3—continued.

upon such terms as may be fixed by the memorandum and articles of association, shall be paid to the Secretary for Scotland, and shall be expended upon works of public utility for the benefit of the inhabitants of the area in accordance with a scheme prepared by the county council, or in the case of a burgh by the town council, which scheme shall be subject to the approval of the Secretary for Scotland;

- (b) that the salary or remuneration of the managers or employees of the company shall not be dependent on, and shall not be subject to increase or decrease in proportion to, the sale of intoxicating liquors in any licensed house under the control of the company;
- (c) that the accounts of the company shall be submitted to an annual audit by an auditor to be approved by the Secretary for Scotland, and that the report of such auditor with an abstract of the accounts shall be published in a newspaper circulating in each area in which the company holds a certificate.

BY THE LORD DUNMORE (*E. Dunmore*) AND THE
LORD BALFOUR.

Page 3, lines 26 and 27, leave out (“ or reducing ”)
lines 27 and 28, leave out (“ or of a limiting resolution ”)

BY THE LORD DUNMORE (*E. Dunmore*).

Page 3, line 28, after subsection (5) insert (“ but where
“ any certificate has been withdrawn to give effect to a limiting
“ resolution an appeal shall lie from such decision as in the case
“ of the refusal of the renewal of a certificate under the provisions
“ of the Licensing (Scotland) Act, 1903: Provided always that if
“ the result of any appeal or appeals under this provision is to
“ render the certificates in existence in the area in excess of the
“ number allowed by the limiting resolution, the licensing court
“ shall, before the next general half-yearly meeting of the
“ licensing court, prepare a scheme for the reduction of the
“ certificates to the aforesaid number, and shall notify the same
“ in manner similar to that prescribed in respect of the original
“ scheme and shall proceed to give effect thereto ”)

Clause 3—continued.

BY THE LORD BALFOUR.

Page 3, line 28, after subsection (5) insert the following new subsections :

(6) The scheme adjusted by the licensing court in pursuance of a limiting resolution and the decisions by the licensing court following thereon, at the said April meeting, reducing the total number of certificates shall be subject to review by the licensing court of appeal. Provided that without prejudice to all other powers or discretions competent to such court of appeal such court of appeal shall not increase or reduce the total number of certificates granted by the licensing court in pursuance of the said limiting resolution.

(7) The clerk of the licensing court shall within three days after the April meeting of such court or any adjournment thereof, transmit a certified copy of the scheme as adjusted by the licensing court, in pursuance of a limiting resolution and of the decisions following thereon to the clerk of the court of appeal to be submitted to the court of appeal. The court of appeal shall meet not earlier than fourteen days nor later than one month after the date of the last meeting or adjourned meeting of such licensing court to consider the scheme and decisions thereon of the licensing court, and shall have power to confirm or vary the same. The date of meeting of the court of appeal shall be advertised in at least one local newspaper at least ten days prior to the meeting of such court, and all parties interested shall be entitled to appear and be heard.

After Clause 3.

BY THE LORD BALFOUR.

Insert the following new clause :

4.—(1) Certificates granted to an authorised public company under section 3 of this Act shall be granted subject to such conditions as may be required by the rules which the Secretary for Scotland shall make from time to time with respect to certificates so granted, and for regulating the conduct and procedure of authorised companies; provided (a) that it shall be competent for such authorised company to apply to the licensing court for the

(7)

After Clause 3—continued.

provisional grant of one or more such certificates without stating in the statutory application where the premises are severally situated or the proprietor's or factor's name and designation, and the licensing court shall make such provisional grants accordingly, but such provisional grants shall not be valid until declared to be final by the order of the licensing court to be made whenever the licensing court is satisfied that the premises selected by the authorised company are suitable; and (b) that nothing in this Act shall entitle an authorised public company to apply for or to obtain a greater number of such certificates in any area than the number of certificates in force in such area at the date at which this Act came into operation; but it shall be competent for such authorised public company to apply for and to obtain a smaller number of such certificates than the number in force as aforesaid.

(2) The whole of the surplus profits of an authorised public company, after payment of not more than four per centum per annum on capital, and the formation of a reserve fund equal in amount to the paid-up capital upon such terms as may be fixed by the memorandum and articles of association of the said company and approved by the Secretary for Scotland, shall be paid into the Bank of England to a special account to be called "The Temperance Reform (Scotland) Account," which shall be audited as a public account by the Comptroller and Auditor-General in accordance with such regulations as the Treasury may from time to time make.

(3) All sums from time to time paid to the said account shall be applied by or under the direction of the Secretary for Scotland in making grants to county councils, to district committees of county councils, to town councils, to authorised public companies as defined by this Act, or such other public bodies as he shall think fit; and these grants, which shall be in proportion to the populations in the areas chosen by the Secretary for Scotland, shall be applied in providing and maintaining buildings and premises in which intoxicating liquors shall not be supplied or consumed, and in carrying them on as recreative and social centres for the people resident in such areas, in terms of a scheme to be prepared and issued by the Secretary for Scotland.

(4) No profit or advantage from the sale of exciseable liquors shall accrue to the shareholders or directors of the said company beyond the aforesaid dividend, and the salary or remuneration of the managers or employees of the said company shall not be

After Clause 3—continued

dependent on, and shall not be subject to increase or decrease in proportion to, the sale of intoxicating liquors in the licensed house or houses under their control.

(5) The accounts of every authorised public company shall be submitted to an annual audit by an auditor to be appointed by the Secretary for Scotland, and his report with abstract of accounts shall be published in a newspaper circulating in the area. The auditor so appointed shall disallow and surcharge upon the interest on capital all unreasonable payment for rent, salaries, and liquor, and any use of the profits otherwise than as herein-before provided. The licensing court shall also have power to appoint an auditor who shall have the right to inspect the books of the company at any reasonable time.

(6) No person who, under section nine of the Licensing (Scotland) Act, 1903, is debarred from acting as a member of a licensing court shall be eligible to be a member or director or a shareholder of an authorised public company within the meaning of this Act.

(7) The Secretary for Scotland shall have power at any time to revoke the certificate or certificates granted to an authorised public company for any breach of the aforesaid regulations, or for other reasons that he may deem sufficient.

Clause 4.

BY THE LORD BALFOUR.

Page 3, lines 36 to 40, leave out paragraph (a).

BY THE MARQUESS OF SALISBURY.

Page 3, line 37, after the first ("resolution") insert ("or disinterested management resolution")

line 40, after ("for") insert ("a disinterested management resolution or for")

BY THE LORD BALFOUR.

Page 4, lines 2 and 3, leave out ("the repeal or continuance of any such resolution or for") and insert ("or against a disinterested management resolution or for or against")

line 4, after ("for") insert ("or against")

Clause 4—continued.

BY THE MARQUESS OF SALISBURY.

Page 4, line 4, after (“ for ”) insert (“ a disinterested management resolution or for ”)

BY THE LORD BALFOUR AND THE LORD SALTOUN.

Page 4, lines 4 and 5, leave out from (“ resolution ”) to the end of paragraph (b).

BY THE MARQUESS OF SALISBURY.

Page 4, line 10, after (“ and ”) insert :

“(c) if a disinterested management resolution is in force for the following options, that is to say for the repeal or continuance of any such resolution, or for a limiting resolution, or for a no licence resolution ”)

BY THE LORD BALFOUR.

Page 4, lines 11 and 12, leave out (“ repealing the same ”) and insert (“ the following options, that is to say, for or against “ the continuance of such resolution or for or against a disinterested management resolution ; and

“(d) if a disinterested management resolution is in force, for “ the following options, that is to say, for or against the continuance of such resolution, or for or against a no-licence resolution ”)

line 16, after (“ resolution ”) insert (“ is in force, and “ the majority of the votes recorded is not in favour of further “ limitation, such resolution shall remain in force, and where a “ disinterested management resolution ”)

BY THE MARQUESS OF SALISBURY.

Page 4, line 16, after (“ resolution ”) insert (“ or a disinterested management resolution ”)

BY THE LORD BALFOUR.

Page 4, lines 18 and 19, leave out (“ not in favour of the “ repeal of such resolution, such repeal shall not be carried ”) and insert (“ in favour of the continuance of such resolution, “ such resolution shall remain in force ”)

Clause 5.

BY THE EARL OF CAMPERDOWN.

Page 4, line 20, leave out subsection (1) and insert the following new subsection :

(1) The requisition for a poll shall be made upon a requisition paper which shall be in the form set out in Schedule I. of this Act and shall be signed by not less than one-tenth of the electors in the area who shall append their full addresses. On the demand of ten electors made not earlier than the fifteenth day of August or later than the twenty-fifth day of August next preceding the date on which a poll can be taken under this Act a requisition paper shall be prepared by the clerk to the local authority who shall forthwith insert in not less than two newspapers circulating in the district a notice that such paper is being publicly exhibited at his office, or at such fit and convenient place within the area to which the requisition applies as he shall in such notice specify for signature and inspection until the thirtieth day of the next following month of September when it will be removed. If the requisition paper shall be found by the local authority to have been duly signed by not less than one-tenth of the electors in the area, the clerk to the local authority shall thereupon insert in not less than two newspapers circulating in the area a notice that such requisition has been duly made.

Page 6, line 10, leave out from the second (" requisition ") to (" shall ") in line 13.

After Clause 5.

BY THE EARL OF CAMPERDOWN.

Insert the following new clause :

Insurance of
Certificates.

6.—(1) There shall be established in accordance with the provisions of the Third Schedule to this Act a Scottish Licence Holders Central Insurance Board and also a mutual insurance association or associations, and every holder of a certificate shall insure in one or other of such associations.

(2) The insurance of certificates shall be carried out in accordance with the provisions set out in the Third Schedule to this Act, and the holder of any new certificate granted after the passing of this Act in respect of any premises which are not

After Clause 5—continued.

certificated at the time of the application for such grant, and not being premises in substitution for certificated premises from which a certificate is withdrawn, shall make the payments prescribed in the Third Schedule to this Act.

(3) A person from whom a certificate is withdrawn in pursuance of a resolution under this Act may demand the declared value of the certificate insured by him in accordance with the scheme of insurance set forth in the Third Schedule to this Act, and may, subject to the provisions of such scheme, recover the moneys payable to him thereunder.

(4) No excise licence for the sale by retail of excisable liquor shall be granted by the Commissioners of Customs and Excise or by any officer of Customs and Excise except upon the production by the person authorised to hold the licence of a receipt for the insurance of his certificate for the year to which the licence relates, and in the case of the holder of a new certificate, as described in Subsection (2) of this section, except upon the production also of a receipt for any payment then due from such person in accordance with the Third Schedule to this Act.

(5) This section shall take effect as from the passing of this Act.

Clause 6.

BY THE EARL OF CAMPERDOWN.

Page 6, lines 18 and 19, leave out ("day of June nineteen hundred and seventeen") and insert ("earliest date when resolutions under the provisions of this Act can come into operation")

Clause 7.

BY THE LORD SALTOUN.

Page 6, line 26, leave out ("the hour of") and insert ("an opening hour not being earlier than eight o'clock in the morning or later than")

(149 ††)

B 2

After Clause 8—continued.

clubs situate
within "no-
licence"
areas.

except to persons lodging or residing in the club, or to persons taking a meal on the premises of the club for consumption with such meal.

(2) If any excisable liquor is supplied or sold in a club in contravention of the provisions of this section, every person who shall pay for such liquor, and every person authorising the sale or supply of such liquor, shall be liable severally on summary conviction to a fine not exceeding, for a first offence, seven pounds, for a second offence fifteen pounds, and for a third or subsequent offence thirty pounds, unless he proves to the satisfaction of the court that such liquor was so sold or supplied without his knowledge or against his consent, and where a conviction has taken place under the provisions of this section the provisions of Section 85 of the Licensing (Scotland) Act, 1903, shall apply to the club, and the certificate of registration may be cancelled as provided in that section.

Clause 9.

BY THE LORD BALFOUR.

Page 8, line 25, after subsection (1) insert the following new subsection :

(2) Section 5 subsection (9) of the Licensing (Scotland) Act, 1903, shall be amended (a) by substituting the words "one third" for the words "one half"; and (b) by adding the words "provided that in the absence of a quorum the chairman of a licensing court or court of appeal or in the absence of the chairman the clerk may call a further meeting of such courts respectively" after the word "quorum."

Clause 10.

BY THE LORD CHANNING.

†Page 8, line 34, at the beginning insert :

(1) Excisable liquors may be supplied or sold in a registered club to any member thereof only on the days on which, and during the hours within which, excisable liquors may be supplied or sold

(13) .

Clause 9.

BY THE LORD BALFOUR.

Page 8, line 25, after subsection (1) insert the following new subsection :

(2) Section 5 subsection (9) of the Licensing (Scotland) Act, 1903, shall be amended (a) by substituting the words "one third" for the words "one half"; and (b) by adding the words "provided that in the absence of a quorum the chairman of a licensing court or court of appeal or in the absence of the chairman the clerk may call a further meeting of such courts respectively" after the word "quorum."

Clause 11.

BY THE EARL BEAUCHAMP.

Page 9, line 11, leave out ("upon") and insert ("as from")

Clause 12.

BY THE EARL BEAUCHAMP.

Page 9, line 21, leave out ("upon") and insert ("as from")

Clause 13.

BY THE EARL BEAUCHAMP.

Page 9, line 23, after ("be") insert ("thereby guilty of an offence and shall be")

line 24, after ("in") insert ("the first paragraph of Subsection (1) of")

line 25, after ("1903") insert the following new subsection :

("(2) This section shall take effect as from the passing of this Act.")

After Clause 14—continued.

recreation, and are airy, commodious and comfortable, and have proper seating and sanitary accommodation, the licensing court shall, on the application of the licence holder, when the application for the grant or renewal of a licence is heard, issue a certificate that the premises form "an improved public house."

(2) An appeal to the Court of Appeal shall lie against refusal by the licensing court to grant such a certificate, and against withdrawal thereof.

(3) For the period during which a no-licence resolution remains in force in any area, licensed premises within that area to which an "improved public house" certificate is attached shall be taken to be premises structurally adapted for use and bonâ fide used or to be used as a restaurant.

Clause 15.

BY THE LORD CLINTON.

Page 10, line 13, leave out from ("burgh") to the end of the paragraph and insert ("the population of which within the police boundaries thereof according to the census for the time being last taken is less than thirty thousand, the whole burgh; and in the case of any other burgh any ward or any combination of wards approved by the Secretary of State for Scotland of such burgh the population of which is not less than fifteen thousand")

BY THE LORD BALFOUR.

Page 10, lines 13 to 24, leave out paragraphs (a) and (b) and insert the following new paragraph:

It shall be the duty of the county council or of the town council, as the case may be, within two years from the passing of this Act, and from time to time thereafter as may be necessary, to frame a scheme delimiting the provisional area or areas which, taking into account the electoral divisions of such county or the wards of such burgh, constitute the most suitable area or areas for the purposes of this Act, but in every case with these provisoes: (1) It shall be competent in any such scheme by

Clause 15—continued.

may be necessary, to frame a scheme delimiting the provisional area or areas which, taking into account the electoral divisions of such county or the wards of such burgh, constitute the most suitable area or areas for the purposes of this Act, but in every case with these provisos: (1) It shall be competent in any such scheme by agreement between the local authorities concerned to include one or more wards in such burgh or burghs within an area or areas of a county or counties, or to include one or more electoral divisions of a county or counties within an area or areas of a burgh or burghs; (2) In no case shall the number of electors in such provisional area, except when such provisional area is a county, be less than two thousand; (3) In no case shall an electoral division in a county or a ward in a burgh be subdivided so as to form the whole or part of a provisional area. Such scheme when framed shall be submitted to the Secretary for Scotland who, after making such inquiry as he may deem necessary, shall have power to approve thereof or to alter or vary the same. Thereafter the Secretary for Scotland shall cause the scheme as finally approved by him to be laid before both Houses of Parliament, and after it has lain two months before Parliament, then, unless within such two months an address has been presented by one or other of the said Houses, praying His Majesty to withhold his consent from such scheme or any part thereof, it shall be lawful for His Majesty, by Order in Council, to declare his approbation of such scheme or any part thereof to which such address does not relate. A scheme, when approved by His Majesty in Council, shall have full operation and effect from the date of such Order in Council in the same manner as if it had been enacted in this Act; and thereupon, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject-matter of the scheme, so far as inconsistent with the provisions thereof, shall be repealed and abrogated.

†BY THE EARL OF CAMPERDOWN.

Page 10, line 39, leave out from ("sweets") to ("poll") in line 41.

Clause 15—continued.

(b) When any burgh has fewer than 2,000 electors on the municipal register, it shall be treated as part of the county or counties within which it is situated.

BY THE EARL BEAUCHAMP.

Page 10, line 41, after (“ poll ”) insert (“ including any reconstruction of, addition to, or extension of such premises on the same or an adjoining site ”)

Page 11, line 5, after (“ retail ”) insert (“ and provided, further, that subject to the variation of conditions prescribed by this Act, the form of certificate for an inn and hotel or for a restaurant granted under section three of this Act shall be, respectively, the first and second form prescribed by the Sixth Schedule of the Licensing (Scotland) Act, 1903 ”)

BY THE LORD BALFOUR.

Page 11, line 13, leave out from the beginning of paragraph (b) to (“ Provided ”) in line 16 and insert (“ a county (excluding any burgh or part of a burgh therein), any person registered as entitled to vote at an election of county councillors for that county, excluding as aforesaid; and when used in relation to any area in a county means a person so registered as entitled to vote at an election for that area ”)

BY THE LORD LOVAT.

Page 11, line 16, after (“ the ”) insert (“ last preceding ”)
line 17, leave out from (“ up ”) to (“ under ”) in line 18.

lines 21 and 22, leave out (“ under this Act in the year nineteen hundred and seventeen ”) and insert (“ taken in the first year in which a poll can be taken under the provisions of this Act ”)

BY THE EARL BEAUCHAMP.

Page 11, line 30, after (“ renewal ”) insert (“ or transfer ”)

BY THE LORD BALFOUR.

Page 11, line 25, leave out (“ parish ”) and insert (“ county ”)
line 26, leave out (“ parish ”) and insert (“ county ”)
line 33, leave out from (“ thereof ”) to the end of the clause.

(13)

In the Schedules.**Second Schedule.**

BY THE MARQUESS OF SALISBURY.

Page 12, line 15, after (" unchanged ") insert :

2	<p>DISINTERESTED MANAGEMENT RESOLUTION.</p> <p>(means that all new certificates for the sale of excisable liquors shall be granted only to an authorised public company whose surplus profits are to be devoted to works of public utility in the area ; and that existing certificates may be so granted in accordance with the provisions of this Act).</p>
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Schedule II.BY THE LORD DUNMORE (*E. Dunmore*).

Page 12, line 19, after (" by ") insert (" a number not exceeding ")

BY THE EARL BEAUCHAMP.

Page 12, line 23, after (" granted ") insert (" except for inns and hotels or restaurants in special cases in accordance with the provisions of this Act ")

BY THE LORD SALTOUN.

Page 12, line 26, leave out from (" only ") to the end of the Schedule.

B 3

Schedule II.—continued.

BY THE LORD BALFOUR.

Page 12, leave out Schedule II. and insert the following new schedule :

FORM OF BALLOT PAPER.

Ballot Paper for [*here insert name of area*].

		For.	Against.
1.	<i>Disinterested Management Resolution</i> (means that all the certificates to be granted shall be granted to an authorised public company).		
2.	<i>Limiting Resolution</i> (means that the number of certificates for the sale of exciseable liquors shall be reduced by one-quarter in accordance with the provisions of the Act).		
3.	<i>No-Licence Resolution</i> (means that no certificate for the sale of exciseable liquors shall be granted).		

Every elector has three votes—one for or against each of the three resolutions, but no elector may place more than one cross opposite any one resolution.

Schedule III.

BY THE EARL OF CAMPERDOWN.

Page 12, after line 28 insert the following Schedule as Schedule III.

1. Before the twenty-eighth day of May next after the passing of this Act, every holder of a certificate shall become a member of a Mutual Insurance Association (in this Schedule referred to as "an association") which shall be an association not carried on for profit and shall be registered under the Companies (Consolidation) Act, 1908, or the Friendly Societies Acts. The affairs of an association shall be subject to the absolute control of its members and one of the objects of an association shall be the insuring of every member of the association against loss arising from the withdrawal of his certificate by

Schedule III.—continued.

reason of a resolution under this Act. An association shall have a membership of not less than:—

- (a) in the case of an association insuring only “on” licenses one thousand holders of such licenses; or
- (b) in the case of an association insuring only “off” licenses five hundred holders of such licenses; or
- (c) in the case of an association insuring both “on” and “off” licenses one thousand “on” license holders and five hundred “off” license holders.

2. The application to become insured in an association shall be signed by the applicant, and shall contain a declaration of the value (hereinafter called “the declared value”) of the certificate to be insured and such further particulars as the association may require.

3.—(1) The premium payable to an association in respect of the insurance of a certificate under this Act shall be an annual premium payable in advance and inclusive of the expenses of administration shall be at such rate not exceeding one half per centum of the declared value as the central board (established under this Schedule) may determine.

(2) The holder of a certificate who has paid the premium or levy payable in respect of the insurance of the certificate shall be entitled to deduct from the interest on any loan advanced to him under any agreement, undertaking, or covenant binding him to obtain a supply of excisable liquor from the lender a sum bearing such proportion to the said premium or levy as the loan bears to the declared value of the said certificate. Provided that the lender shall have a lien upon such insurance proportionate to the premium or levy paid by him, and in default of agreement the amount of premium or levy to be deducted or insurance to be paid shall be determined by the Sheriff.

(3) In each year the secretary of an association shall on the payment by the insured person of the premium then payable, give him a receipt therefor, and the receipt shall be evidence that the applicant is insured for the year to which it relates. Provided that if in any year the association shall have imposed any levy on its members in accordance with the provisions of this Act, the Secretary shall withhold the receipt for the premium from any member who has not paid the amount of the said levy until the same shall have been paid.

4.—(1) As soon as may be, but not later than four months after the passing of this Act there shall be constituted a Board to be styled the “Scottish Licence Holders Central Insurance Board” (in this Schedule referred to as the “Central Board”) consisting of nine members to be increased to not exceeding twenty-one members as

Schedule III.—continued.

hereinafter provided who shall hold office for not more than two years of whom four shall be "on" licence holders two "off" licence holders and the remaining members a brewer, distiller, and wholesale dealer respectively, elected by the holders of certificates and the central board shall elect a chairman from their own number.

(2) The central board shall be a body corporate with a common seal, and the quorum of a meeting of the central board shall be three when the number of the members of the central board does not exceed nine and five when the number of the members exceeds nine.

(3) The Secretary of the Licensed Trade Defence Association of Scotland shall receive nominations for membership and proceed to the election of a central board within three months after the passing of this Act, which election shall be decided by a majority of the certificate holders voting for a representative of each of the several classes of constituent members of such board, and the expenses of such election shall be a charge against the first premiums payable in respect of insurance under the provisions of this Act.

5. The central board shall within twelve months after the passing of this Act make rules prescribing amongst other things—

- (1) The principles on which the declared value of certificates is to be ascertained and conditions on which these may be modified or re-adjusted.
- (2) The manner of subsequent election and the number of members of the board, which shall not exceed twenty-one, the duration of their office and the basis of representation. Provided that in addition to at least nine members elected in the same proportions as in the central board first constituted each association may elect one member to the central board for every one thousand certificates insured with such association.
- (3) The mode in which claims and payments in respect of claims are to be made.
- (4) Any matters incidental to the proper conduct of the affairs of the board and to carrying out the provisions of this Act.

Provided always that no such rule shall contain anything inconsistent with the provisions of this Act, and every such rule shall be subject to the approval of the Secretary for Scotland.

6.—(1) On or before the thirtieth day of June in each year every Association insuring certificates under this Act shall pay to the central board eight shillings and sixpence per centum of the declared value from the amount of the premiums received by the association under the provisions of this Act, and shall at the same time send to the central board, full particulars of all insurances effected with the

Schedule III.—*continued.*

association, together with such observations (if any) on the declared value to which each insurance relates, as the association may think fit.

(2) The amounts received in respect of premiums paid by holders of certificates for on-licences and by holders of certificates for off-licences respectively, shall be carried to the central board to two separate accounts to be called respectively "The On-Licence Holders' Insurance Fund" and "The Off-Licence Holders' Insurance Fund." No part of the "On-Licence Holders' Insurance Fund" shall be applied to the payment of any claim relating to an off-licence and no part of the "Off-Licence Holders' Insurance Fund" shall be applied to the payment of any claim relating to an on-licence. The central board shall have the management of the said funds, and the investment thereof, and the whole of the said funds shall be applied to the payment of claims as provided by this Act.

(3) The necessary office and administration expenses of the central board shall be contributed by each association in proportion to the total declared values of the certificates insured by said associations. Provided that the fees to members of the central board shall not exceed an aggregate of one thousand pounds in any one year.

7.—(1) The claims payable by the central board to an association shall in no case exceed the declared values of certificates insured with such association and which have been withdrawn by reason of any resolution carried under this Act.

(2) If the available funds of the central board are insufficient, the claims of the members of each association against each fund shall be proportionately abated.

(3) A claim upon the funds of the central board shall not be valid except in respect of the year in which a certificate in respect of which a claim is made has been withdrawn by reason of any resolution carried under this Act.

8.—(1) Where in any year the respective amounts paid over by the central board are insufficient to enable an association to pay in full the respective claims of its "off" and "on" members arising in that year the directors of an association shall impose upon the on-licence holders or off-licence holders (as the case may require) who are members of the association a levy not exceeding one and a half per centum of the declared value in respect of which each member is insured.

(2) If the proceeds of the levy are insufficient to pay in full the claims in respect of which it was made, the unpaid balance of the claims shall be carried forward for the two following years, and in each of these years, if necessary, the like levy shall be made and the

Schedule III.—*continued.*

proceeds thereof shall be applied to the payment of all outstanding claims referable to the fund in respect of which the deficiency has arisen, and to no other purpose.

(3) After the distribution in the third year all claims in respect of the insurance of a certificate against the association shall be deemed to have been discharged.

9. The holder of any new certificate for premises not certificated at the time of the application for such certificate and not being premises in substitution for certificated premises from which a certificate is for the purpose of removal being withdrawn shall pay to "The On-Licence Holders' Insurance Fund" or "The Off-Licence Holders' Insurance Fund" as the case may be a sum equal to the declared value of such certificate in two half yearly payments on the twenty-eighth day of May and the twenty-eighth day of November in addition to the premium or levy hereinbefore mentioned and the excise licence duty in respect of such certificate.

10. The clerk of a licensing court shall, on request, furnish to the central board or to any Association formed under the provisions of this Act or before the constitution of the central board to the secretary of the Licensed Trade Defence Association of Scotland a list of all the persons who have obtained certificates for the sale by retail of excisable liquor in the district within the jurisdiction of the licensing court for the current year, together with such information contained in the register of certificates for the district as may be required under the provisions of this Act. Such list as aforesaid shall be prepared by the clerk to the licensing court in conformity with the conditions set out in section twenty-five of the Licensing (Scotland) Act, 1903, and the clerk shall be entitled to remuneration as prescribed in that section.

11. In this Schedule unless the context otherwise requires—

The expression "on licence" means a licence for the sale of any excisable liquor for consumption on the premises :

The expression "off licence" means a licence for the sale of any excisable liquor not to be consumed on the premises.

Temperance (Scotland) Bill.

THIRD MARSHALLED LIST

O F

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E .

[The Amendments marked † have not been printed before.]

After Clause 3.

BY THE LORD BALFOUR.

Insert the following new clause :

4.—(1) Certificates granted to an authorised public company under section 3 of this Act shall be granted subject to such conditions as may be required by the rules which the Secretary for Scotland shall make from time to time with respect to certificates so granted, and for regulating the conduct and procedure of authorised companies ; provided (*a*) that it shall be competent for such authorised company to apply to the licensing court for the provisional grant of one or more such certificates without stating in the statutory application where the premises are severally situated or the proprietor's or factor's name and designation, and the licensing court shall make such provisional grants accordingly, but such provisional grants shall not be valid until declared to be final by the order of the licensing court to be made whenever the licensing court is satisfied that the premises selected by the authorised company are suitable ; and (*b*) that nothing in this Act shall entitle an authorised public company to apply for or to obtain a greater number of such certificates in any area than the number of certificates in force in such area at the date at which this Act came into operation ; but it shall be competent for such authorised public company to apply for and to obtain a smaller number of such certificates than the number in force as aforesaid.

(149 ††)

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A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to promote Temperance in Scotland by conferring on the electors in prescribed areas control over the grant and renewal of certificates ; by securing a later hour of opening for licensed premises ; by amending the law relating to clubs ; and by other provisions incidental thereto. A.D. 1912,

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 :—

5 **1.** This Act shall, except as otherwise in this Act provided, come into operation on the expiration of fourteen years from the first day of June nineteen hundred and twelve. Date of Act coming into operation.

10 **2.**—(1) If, in the manner hereinafter provided, a requisition demanding a poll under this Act in any area is found by the local authority to have been duly signed, the local authority shall cause a poll of the electors in such area (hereinafter called "a poll") to be taken in accordance with the provisions of this Act. Poll of electors on resolutions submitted.

15 (2) The questions to be submitted to the electors at a poll shall be the adoption in and for such area of (a) a no-change resolution, or (b) a disinterested management resolution, or (c) a limiting resolution, or (d) a no-licence resolution.

(3) On a poll in any area—

20 (a) if two-thirds at least in number of the votes recorded are in favour of a no-licence resolution, and not less than thirty per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried ; or if

A.D. 1912.

(b) a majority of the votes recorded are in favour of a limiting resolution, or of a disinterested management resolution, as the case may be, and not less than thirty per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried; or if

(c) a majority of the votes recorded are in favour of a no-change resolution, or if no other resolution is carried, a no-change resolution shall be deemed to be carried; and

any such resolution so carried shall come into force on the twenty-eighth day of May immediately following the taking of the poll.

(4) An elector shall not be entitled to vote for more than one of the resolutions submitted at the poll.

(5) Any such resolution if carried shall remain in force until the resolution is repealed or superseded as hereinafter provided.

Effect of
resolutions,
if carried.

3.—(1) For the period during which a no-licence resolution remains in force in any area, no certificate shall be granted therein; except that the licensing court may, on being satisfied that under the special circumstances of the case any certificate is reasonably required notwithstanding the fact that a no-licence resolution is in force in the area, grant a certificate for an inn and hotel or for premises structurally adapted for use and bonâ fide used or to be used as a restaurant: Provided that any certificate so granted shall be deemed to include the conditions that there shall be on the certificated premises no drinking-bar or other part of the premises mainly or exclusively used for the sale or consumption of exciseable liquors, and that such liquors shall be sold therein by retail only and to none but persons lodging or residing in the inn and hotel, or persons taking a meal on the premises of the restaurant or (if the court so sanction) of the inn and hotel, for consumption with such meal; and provided further that it shall be a condition of the renewal of any such certificate in any year after the year in which it is first granted under the provisions of this section that the applicant shall satisfy the court by production of an excise licence or otherwise that he is entitled to a reduction of duty in terms of section forty-five of the Finance (1909-10) Act, 1910.

(2) For the period during which a limiting resolution remains in force in any area, without prejudice to the other powers or discretion of the licensing court, it shall not be lawful for the

licensing court to grant a greater number of certificates in such area than the nearest integral number which shall not exceed seventy-five per cent. of the number of certificates in force at the date at which such resolution is carried. A.D. 1912.

5 (3) If a limiting resolution is carried the licensing court shall, before the first day of February following the poll, meet for the purpose of preparing a scheme for carrying out in the area the requirements of the resolution, which scheme shall give the particulars of any premises the certificates of which the
10 court propose to withdraw, and every scheme prepared as aforesaid shall forthwith be advertised by the clerk to the licensing court in a newspaper circulating in the area and shall be open to the inspection of the public for three weeks before the first day of March following the poll at a place to be stated in the
15 advertisement.

(4) Before the general half-yearly meeting of the licensing court held in April, the licensing court shall meet for the purpose of hearing the parties interested in the said scheme and adjusting the said scheme for consideration at the said April meeting,
20 and the licensing court shall at that meeting or at any adjournment thereof take the scheme so adjusted into consideration, and after hearing parties interested therein, so far as not already heard, and, if they modify the scheme, after hearing parties interested in any modification, shall decide upon the certificates
25 to be withdrawn.

(5) For the period during which a disinterested management resolution remains in force in any area the licensing court may in lieu of any existing certificate within the area grant a certificate to an authorised public company as defined in this section, and no new
30 certificate shall be granted within the area except to an authorised public company. A certificate may be granted to an authorised public company subject to such conditions as the licensing court may think fit, and where a certificate is so granted in lieu of an existing certificate the grant of the certificate shall be subject
35 to the payment by the authorised public company of such sum as the court, having regard to the provisions of this section, may consider to be reasonable. The sum so received from the authorised public company shall be paid as compensation to the holder of the certificate which has been withdrawn in pursuance
40 of the disinterested management resolution, or if the licensing court so order, the sum shall be divided between the holder of the certificate and such other persons as in the opinion of the licensing

A.D. 1912. court are interested and in such proportions as the court may order.

(6) An authorised public company means a company registered under the Companies (Consolidation) Act, 1908, one of whose objects shall be the sale of exciseable liquors and whose memorandum and articles of association have been approved by the Secretary for Scotland. The articles of association shall make provisions for such matters as the Secretary for Scotland may prescribe and shall provide among other things—

- (a) that the whole of the profits after payment of interest at four per centum on any sum paid as compensation and not more than four per centum on the paid-up capital, and after making provision for the formation of a reserve fund equal in amount to the paid-up capital upon such terms as may be fixed by the memorandum and articles of association, shall be paid to the Secretary for Scotland, and shall be expended upon works of public utility for the benefit of the inhabitants of the area in accordance with a scheme prepared by the county council, or in the case of a burgh by the town council, which scheme shall be subject to the approval of the Secretary for Scotland;
- (b) that the salary or remuneration of the managers or employees of the company shall not be dependent on and shall not be subject to increase or decrease in proportion to, the sale of intoxicating liquors in any licensed house under the control of the company;
- (c) that the accounts of the company shall be submitted to an annual audit by an auditor to be approved by the Secretary for Scotland, and that the report of such auditor with an abstract of the accounts shall be published in a newspaper circulating in each area in which the company holds a certificate.

(7) The decision of the licensing court in refusing certificates in pursuance of a no-licence resolution shall not be subject to appeal, but where any certificate has been withdrawn to give effect to a limiting resolution an appeal shall lie from such decision as in the case of the refusal of the renewal of a certificate under the provisions of the Licensing (Scotland) Act, 1903 : Provided always that if the result of any appeal or appeals under this provision is to render the certificates in existence in the area in excess of the number allowed by the limiting reso-

lution, the licensing court shall, before the next general half-yearly meeting of the licensing court, prepare a scheme for the reduction of the certificates to the aforesaid number, and shall notify the same in manner similar to that prescribed in respect of the original scheme and shall proceed to give effect thereto.

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(8) It shall not be competent for a member of a licensing court to sign a requisition for a poll under this Act.

4.—(1) Where a poll has been taken, and such poll, or the declared result thereof, has not been declared void in terms of this Act, a further poll shall not be taken before the month of November in the third year from the date of the last poll.

Resolutions
at further
polls.

(2) Such further poll may be taken—

(a) if a no-change resolution is in force, or a limiting resolution or disinterested management resolution, or no-licence resolution has been repealed, for the following options, that is to say, for a further no-change resolution, or for a no-licence resolution, or for a disinterested management resolution, or for a limiting resolution ;

(b) if a limiting resolution is in force, for the following options, that is to say, for the repeal or continuance of any such resolution, or for a [further limiting resolution, or for a disinterested management resolution, or for a no-licence resolution ;

(c) if a disinterested management resolution is in force for the following options, that is to say, for the repeal or continuance of any such resolution, or for a limiting resolution, or for a no-licence resolution ;

(d) if a no-licence resolution is in force, for repealing the same.

(3) The provisions of section two of this Act, except as regards the questions to be submitted to the electors, shall apply to such further polls, provided that where a further poll is taken in any area where a limiting resolution or a disinterested management resolution, or a no-licence resolution is in force and the majority of the votes recorded is not in favour of the repeal of such resolution, such repeal shall not be carried.

5.—(1) The requisition for a poll shall be made upon a requisition paper which shall be in the form set out in Schedule I. of this Act and shall be signed by not less than one-tenth of the

Supple-
mental pro-
visions.

A.D. 1912. electors in the area who shall append their full addresses. On the demand of ten electors made not earlier than the fifteenth day of August or later than the twenty-fifth day of August next preceding the date on which a poll can be taken under this Act a requisition paper shall be prepared by the clerk to the local authority who shall forthwith insert in not less than two newspapers circulating in the district a notice that such paper is being publicly exhibited at his office, or at such fit and convenient place within the area to which the requisition applies as he shall in such notice specify for signature and inspection until the thirtieth day of the next following month of September when it will be removed. If the requisition paper shall be found by the local authority to have been duly signed by not less than one-tenth of the electors in the area, the clerk to the local authority shall thereupon insert in not less than two newspapers circulating in the area a notice that such requisition has been duly made.

(2) On the day on which a poll under this Act is taken in any area, all the certificated premises in such area in which exciseable liquors are sold by retail shall remain closed for the sale of such liquors until after the hour fixed for the close of the poll, but nothing in this subsection contained shall prohibit the sale of such liquors to lodgers or to bonâ fide travellers taking meals on the premises in any room usually set apart for that purpose, for consumption therein at the meal, or the sale, distribution, or delivery of exciseable liquors under the conditions prescribed by section sixty-three of the Licensing (Scotland) Act, 1903.

(3) A poll shall be taken on any day not being a market day which the local authority may fix in the month either of November or of December immediately following the lodging of the requisition: Provided that in a county a poll shall be taken only in the year of a triennial election of county councillors, except in the case of a poll held in the year in which a resolution under this Act is first competent; and provided further, that if a poll, or the declared result thereof, is by judgment of the Court of Session declared void, the Court may, if they think fit, order the local authority to cause a new poll to be taken, or one-tenth of the electors in the area may, by requisition lodged with the clerk to the local authority within one month of the date of the judgment, demand a new poll, and the local authority shall thereupon forthwith cause such poll to be taken.

(4) Polls under this Act shall be by ballot, and the Secretary for Scotland shall make rules for regulating the procedure with respect to requisitions and the taking of polls, and providing for the re-counting or scrutiny of the votes recorded
 5 on any poll when a demand is made therefor, and, without prejudice to the generality of the power hereby conferred, may by those rules apply for the purpose with any necessary modifications any enactments relating to Parliamentary or local
 10 government elections and to the prevention of corrupt and illegal practices thereat (including the penal provisions thereof):

Provided that where a poll is taken for the first time in any area, the ballot papers shall be in the form contained in Schedule II. of this Act, with any modifications thereof to meet the circumstances of the case which may be sanctioned by the Secretary
 15 for Scotland, and in case of polls other than the first poll or in cases where there are no certificates or not more than one certificate in force in the area, in such forms as may be prescribed by the Secretary for Scotland, who shall fix a maximum scale for the expenses of a poll, and any expenses incurred within such
 20 scale by the local authority in connection with this Act shall be defrayed out of the county general purposes rate in counties (excluding police burghs) and the burgh general or police assessment in burghs, but shall not be reckoned in any calculation as to the statutory limit of such assessment.

(5) If any returning officer, presiding officer, clerk or officer of the local authority is guilty of any wilful act or omission in contravention of any of the provisions of this Act, or of any of the rules made by the Secretary for Scotland under this Act, he shall on summary conviction, in cases where no penalty
 25 is otherwise provided, be liable to a penalty not exceeding
 30 ten pounds for the first and twenty pounds for every succeeding offence.

(6) Every person who forges or procures the forgery of any signature to a requisition, or alters or defaces a requisition,
 35 shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding ten pounds, or, alternatively, to imprisonment for a term not exceeding three months with or without hard labour.

6. Where the licensing court is of opinion that a new licence
 40 is required in any area where neither a "no-licence" resolution nor a limiting resolution is in force, and in the event of an

New
licences.

A.D. 1912. — authorised public company constituted for the purposes of this Act being prepared to apply for and manage the said new licence, the licensing court shall (subject to such procedure and conditions as may be prescribed by the Secretary for Scotland) grant a certificate for such new licence to the said authorised public company, but to no other applicant. 5

Structural alterations.

7. As from the passing of this Act, and until the first day of June nineteen hundred and seventeen, it shall not be competent for a licensing court to order any structural alterations of licensed premises under section forty-two, subsection (3), of the Licensing (Scotland) Act, 1903. 10

3 Edw. 7. c. 25.

Later hour of opening.

8. Notwithstanding anything contained in the Licensing (Scotland) Act, 1903, the licensing court shall insert in all certificates granted from or after the twenty-eighth day of May nineteen hundred and thirteen the hour of ten o'clock in the morning in lieu of the hour of eight of the clock in the morning, and the forms of certificate contained in the Sixth Schedule to the said Act shall be construed accordingly: Provided that where sale of commodities other than exciseable liquors is otherwise lawful, such commodities may be sold before such hour, and provided further that exciseable liquors may be despatched before such hour in fulfilment of orders received as prescribed by section sixty-three of the Licensing (Scotland) Act, 1903, and that section fifty-six of that Act shall apply to this Act. 15 20 25

Amendment of law relating to clubs.

9.—(1) Section seventy-eight, subsection (1), of the Licensing (Scotland) Act, 1903 (hereinafter in this section referred to as “the Act of 1903”), shall be amended (a) by substituting the words “and the names and addresses of the members” for the words “and the names of the members”; (b) by substituting the words “two members either of the licensing court or of the court of appeal for the county within which such premises are situate, or one member of each of such courts not being the same member, or, where such premises are situate within a burgh, either by two justices of the peace who for the time being are members of the court of appeal from the burgh licensing court or by two magistrates of the burgh, or by one justice, as aforesaid, and one magistrate,” for the words “two justices of the peace for the county within which such premises are situate, or, where such premises are situate within a burgh, either by two justices of the peace, as aforesaid, or by two magistrates of the burgh, or by one justice and one magistrate”; 30 35 40

and (c) by adding the words “(1) any such justice of the peace
 “ or magistrate may, within ten days from the date on which he
 “ signed the certificate, withdraw his name from the certificate
 “ granted by him; and (2),” after the words “Provided that.”

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5 (2) Section seventy-nine, subsection (2), of the Act of 1903
 shall be amended by including amongst those persons who may
 lodge objections to the grant or renewal of the certificate of
 registration the procurator fiscal and any person, or the agent
 of any person, owning or occupying property in the neighbour-
 10 hood of the club, and by substituting the word “twenty-one”
 for the word “ten.”

(3) Section seventy-nine, subsection (4), of the Act of 1903
 shall have effect as if the power conferred thereby on the sheriff
 (to award expenses against the unsuccessful party where objection
 15 has been taken to the grant or renewal of a certificate) included
 the like power where a summary complaint has been lodged.

(4) Any person or council competent under the Act of 1903
 to lodge objections to the grant or renewal of a certificate of
 registration may, within twenty-one days of the receipt of the
 20 notice of application for the grant or renewal of a certificate,
 lodge with the registrar objections to such grant or renewal of
 the certificate on one or more of the following grounds, and that
 in addition to the grounds specified in section eighty-one of the
 Act of 1903:—

- 25 (a) That the premises are, or the situation thereof is, not
 suitable or convenient for the purpose of a club; or
 (b) That the club is to be used mainly as a drinking club;
 or
 30 (c) That the officials and committee of management, or
 governing body, or the manager, or a servant employed
 in or by the club have, or has, or will have, a personal
 interest in the purchase by the club or in the sale in
 the club of exciseable liquors, or in the profits arising
 therefrom; or
 35 (d) That persons are habitually admitted or supplied as
 members without an interval of at least two weeks
 between their nomination and election as ordinary
 members; or
 40 (e) That the officials and committee of management or
 governing body or the members are persons of bad
 character or who follow no lawful occupation and
 have no lawful means of subsistence; or

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(*f*) That the club has been or will be used as the resort of criminals or persons of bad character; or

(*g*) That men or women of bad fame assemble in or frequent the club.

(5) Section eighty-nine of the Act of 1903 shall be read as if the words “an application with the accompanying documents specified in section seventy-eight, subsection (1), of the Act of 1903, any one of” were substituted for the words “an application for registration.”

(6) This section shall take effect as from the passing of this Act.

Amend-
ments of
3 Edw. 7.
c. 25.
ss. 16 and 31.

10.—(1) Notwithstanding anything contained in section sixteen of the Licensing (Scotland) Act, 1903, it shall be lawful for the licensing court and the licensing appeal court, in any case where there are more than one application for a certificate for the same premises, to hear and consider the said applications together.

(2) Section thirty-one, subsection (2), of the Licensing (Scotland) Act, 1903, shall be amended by substituting the words “until the twenty-eighth day of May or the twenty-eighth day of November following, as the case may be,” for the words “until the next general half-yearly meeting of the licensing court.”

(3) This section shall take effect as from the passing of this Act.

Sale of ex-
ciseable
liquors in
theatres.

11.—(1) Exciseable liquors may be supplied or sold in a theatre or other place of public entertainment, whether erected before or after the commencement of the Licensing (Scotland) Act, 1903, only on the days on which, and during the hours within which, exciseable liquors may be supplied or sold in public-houses within the burgh or county or county licensing district, as the case may be, in which said theatre or other place of public entertainment is situate, and at no other time:

Provided that nothing in this section contained shall authorise any supply or sale of exciseable liquors which would otherwise be illegal.

(2) This section shall take effect as from the passing of this Act.

Sales on
order of
officials.

12.—(1) Section fifty-five of the Licensing (Scotland) Act, 1903, shall be amended by inserting after “officer of police,” the

[2 & 3 GEO. 5.] *Temperance (Scotland).* 11

words "including any constable in charge of any police station," and after "medical official" the words "or in case of sickness, accident, or emergency by a qualified medical practitioner." A.D. 1912.

(2) This section shall take effect as from the passing of this Act.

13.—(1) Where any riot or tumult happens, or is expected to happen, the sheriff may order every holder of a certificate for the sale by retail of exciseable liquors in or near the place where the riot or tumult happens, or is expected to happen, to close his premises during such time as the order shall require. Power to close certificated premises in case of riot.

(2) If any person keeps open his premises for the sale of exciseable liquor during any time at which in pursuance of this section they are ordered to be closed, he shall be liable in respect of each offence to a penalty not exceeding fifty pounds.

(3) This section shall take effect as from the passing of this Act.

14.—(1) Any person who is in a state of intoxication, and found attempting to enter any public-house, shall be thereby guilty of an offence, and shall be subject to the same powers and procedure and penalty as provided in the first paragraph of subsection (1) of section seventy of the Licensing (Scotland) Act, 1903. Drunken persons entering public-house. 3 Edw. 7. c. 25.

(2) This section shall take effect as from the passing of this Act.

15. Where any certificate is not renewed in virtue of the provisions of this Act, or of any resolution carried in virtue of said provisions, any lease existing at the first day of June one thousand nine hundred and twelve of the premises referred to and licensed in said certificate, not being a long lease within the meaning of the Registration of Leases (Scotland) Act, 1857, and Acts amending the same, to the holder thereof, or any contract by the said holder existing at the said date for the purchase of exciseable liquors, or for service in connection with the sale thereof, shall cease and determine on a non-renewal of the certificate as aforesaid, as if the date when the certificate was not renewed had been inserted in the lease or contract as the date of its natural termination: Termination of existing leases, &c.

Provided that this section shall not apply in the case of any lease or contract in which there is any provision altering the conditions in the event of the licence not being renewed or any provision enabling the lessee to cause such lease or contract

A.D. 1912. to cease and determine at any time between the first day of June, nineteen hundred and twelve, and the coming into operation of this Act.

Definitions. **16.** The several words and expressions used in this Act shall unless otherwise provided or unless there be something in the subject or context repugnant to such construction have the same respective meanings as in the Licensing (Scotland) Act, 1903:

3 Edw. 7.
c. 25.

Provided that in this Act—

“Area” means—

(a) in the case of a burgh the population of which within the police boundaries thereof according to the census for the time being last taken is less than twenty-five thousand, the whole burgh; 10

(b) in the case of a county, the parish, as defined in the Local Government (Scotland) Act, 1894, excluding any burgh or part of a burgh therein, and where a parish is situated within two counties, the portion in each county shall, for the purposes of this Act, be deemed to be a separate parish: 15 20

“Burgh” means a royal, parliamentary, or police burgh:

“County” means a county exclusive of any burgh or part of a burgh comprised therein:

“Certificate” means any certificate for the sale by retail of exciseable liquors granted in terms of or under the provisions of the Licensing (Scotland) Act, 1903: 25
Provided that for the period during which a no-licence resolution is in force in any area, no dealer’s licence for the sale of exciseable liquor by wholesale shall be granted therein by the Commissioners of Customs and Excise or by any officer of Customs and Excise, except to brewers of beer for sale, distillers, rectifiers, or compounders of spirits, makers of sweets, or wholesale dealers in spirits, wine, beer, or sweets for premises for which similar licences have been taken out for twelve months before the date of the poll, including any reconstruction of, addition to, or extension of such premises on the same or an adjoining site, and any premises in substitution for such premises from which the holder of the licence removes without the production of a certificate 30 35 40

3 Edw. 7.
c. 25.

authorising such sale from the licensing court; which certificate shall be applied for, granted, confirmed, transferred, and renewed in the same manner as though it were a certificate authorising such sale by retail; and provided, further, that subject to the variation of conditions prescribed by this Act the form of certificate for an inn and hotel or for a restaurant granted under section three of this Act shall be, respectively, the first and second form prescribed by the Sixth Schedule of the Licensing (Scotland) Act, 1903.

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“Elector” means, in the case of—

(a) a burgh, any person registered as entitled to vote at an election of town councillors for that burgh, and when used in relation to any area in a burgh means a person so registered as entitled to vote at an election for that area; and in the case of—

(b) a parish (excluding any burgh or part of a burgh therein), any person registered as entitled to vote at an election of parish councillors for that parish, excluding as aforesaid: Provided that the last preceding supplementary register made up under section twenty-eight of the Local Government (Scotland) Act, 1889, shall continue in operation for the purposes of a poll taken in the first year in which a poll can be taken under the provisions of this Act; and provided, further, that for the purposes of a requisition in the year of a triennial election of county councillors before the register of parish council electors is made up “elector” means any ratepayer within the parish, excluding as aforesaid:

52 & 53 Vict.
c. 50.

The expression “grant” when used in relation to a certificate includes the grant of a certificate by way of renewal or transfer:

“Local authority” means in the case of—

(a) a burgh, the town council thereof; and

(b) a county, the county council thereof:

“No-change resolution” means a resolution that the powers and discretion of the licensing court in regard to

A.D. 1912.

the grant of certificates or otherwise shall remain unchanged, and in section two as applied to a further poll in any area where a limiting resolution is in force means a continuance resolution.

Short title
and citation.

17.—(1) This Act may be cited as the Temperance (Scotland) Act, 1912, and shall apply to Scotland only. 5

(2) This Act and the Licensing (Scotland) Act, 1903, may be cited together as the Licensing (Scotland) Acts, 1903 to 1912.

[2 & 3 GEO. 5.] *Temperance (Scotland).* 15

SCHEDULES.

A.D. 1912.

SCHEDULE I.

FORM OF REQUISITION FOR A POLL.

We, the subscribers hereto, being electors in [*here insert area for*
5 *which the poll is demanded*] do hereby demand a poll under the terms
of the Temperance (Scotland) Act, 1912.

Signature.	Name in full.	Address.	Number on register.

A.D. 1912.

SCHEDULE II.

FORM OF BALLOT PAPER.

(Ballot Paper for [here insert name of area].)

Counterfoil No.	1	NO-CHANGE RESOLUTION (means that the powers and discretion of the licensing court shall remain unchanged).	5
	2	DISINTERESTED MANAGEMENT RESOLUTION (means that all new certificates for the sale of exciseable liquors shall be granted only to an authorised public company whose surplus profits are to be devoted to works of public utility in the area ; and that existing certificates may be so granted in accordance with the provisions of this Act).	10 15
	3	LIMITING RESOLUTION (means that the number of certificates for the sale of exciseable liquors shall be reduced by one quarter <i>in accordance with the provisions of the Act</i>).	20
	4	NO-LICENCE RESOLUTION (means that no certificate for the sale of exciseable liquors shall be granted except for inns and hotels or restaurants in special cases in accordance with the provisions of this Act).	25

Indicate your vote by making a **X** in the right-hand space opposite the resolution for which you vote. You have one vote, and may vote 30 for one resolution only.

Temperance (Scotland) Bill.

A M E N D M E N T S

T O B E M O V E D O N R E P O R T .

B Y T H E E A R L B E A U C H A M P .

Clause 3, page 2, line 23, leave out (“ a certificate ”) and insert (“ one or more certificates ”)

Clause 5, page 6, line 1, leave out (“ who shall append their “ full addresses ”)

line 8, leave out (“ at his office or ”)

line 16, leave out (“ made ”) and insert (“ signed ”)

Clause 10, page 10, line 12, at the beginning of the line insert as a new subsection :

(“ (1) Section 5, subsection (9) of the Licensing (Scotland) Act, 1903, shall be amended by the insertion at the end thereof of the words ‘ provided that in the absence of a quorum the chairman ‘ of the court or, in his absence, the clerk may call a further ‘ meeting in lieu of the meeting not held ’ ”)

Clause 16, page 12, line 11, after (“ burgh ”) insert (“ which “ is not divided into wards, or of a burgh ”)

line 14, after (“ burgh ”) insert (“ and in “ the case of other burghs each ward thereof ”)

Schedule II., page 16, line 28, leave out (“ this ”) and insert (“ the ”)

B Y T H E V I S C O U N T S T. A L D W Y N .

Clause 9, page 9, line 26, after (“ Club ”) insert (“ or that “ there is a drinking-bar or other part of the premises mainly or “ exclusively used for the consumption of excisable liquors ”)

line 29, after (“ That ”) insert (“ the owner “ or immediate lessor of the premises (when the premises are not “ owned by the club), or ”)

line 38, after (“ members ”) insert (“ or for “ a subscription of a merely nominal amount ”)

**Temperance (Scotland)
Bill.**

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE EARL BEAUCHAMP

AND

THE VISCOUNT ST. ALDWYN.

2nd December 1912.

LONDON:

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(175 a)

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE EARL OF CAMPERDOWN.

Clause 5, page 6, line 1, after the second ("the") insert ("written")

Clause 7, page 8, lines 7 and 8, leave out ("first day of June
"nineteen hundred and seventeen") and insert ("earliest date
"when Resolutions under the Provisions of this Act can come
"into operation")

Clause 16, page 12, line 14, after ("Burgh") insert ("and in
"the case of any other Burgh, any Ward or combination of
"Wards or parts of Wards, proposed by the Town Council and
"approved by the Secretary for Scotland, of which the population
"shall not be less than twelve thousand")

(175 b)

Temperance (Scotland) Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE EARL OF CAMPERDOWN.

3rd December 1912.

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(175 b)

Temperance (Scotland) Bill.

A M E N D M E N T

T O B E M O V E D O N R E P O R T

B Y

T H E L O R D L A M I N G T O N .

After clause 14 insert the following new clause :

.—(1) Where licensed premises are not merely places for the consumption of intoxicating liquor, but contain adequate provision for the supply of food, light refreshments, and for recreation, and are airy, commodious and comfortable, and have proper seating and sanitary accommodation, the licensing court shall, on the application of the licence holder, when the application for the grant or renewal of a licence is heard, issue a certificate that the premises form “an improved public house.”

“Improved
Public
House”
certificates.

(2) An appeal to the Court of Appeal shall lie against refusal by the licensing court to grant such a certificate, and against withdrawal thereof.

(3) For the period during which a no-licence resolution remains in force in any area, licensed premises within that area to which an “improved public house” certificate is attached shall be taken to be premises structurally adapted for use and bonâ fide used or to be used as a restaurant.

(175 c)

Temperance (Scotland)

Bill.

AMENDMENT

TO BE MOVED ON REPORT

BY

THE LORD LAMINGTON.

4th December 1912.

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(175 c)

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE LORD DUNMORE (*E. Dunmore*).

Clause 2, page 1, line 20, leave out ("thirty") and insert
("fifty")
page 2, line 4, leave out ("thirty") and insert
("forty")

(175 d)

Temperance (Scotland) Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD DUNMORE (*E. Dunmore*).

5th December 1912.

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(175 d)

Temperance (Scotland) Bill.

A M E N D M E N T S

T O B E M O V E D O N R E P O R T.

BY THE LORD BALFOUR.

Clause 3, page 3, line 27, leave out from (“ area ”) to (“ and ”) in line 33, and insert (“ no certificate for the retail sale of excisable “ liquors shall be granted in such area, except to an authorised “ public company expressly constituted for the purpose of this “ Act, and subject to the conditions hereinafter set forth. A “ company shall be deemed to be an authorised public company “ within the meaning of this subsection when it has been “ registered under the Companies Acts and its memorandum “ and articles of association have been approved by the Secretary “ for Scotland for the purposes of this Act :

“ (6) ”

line 35, after (“ company ”) insert (“ out of “ its surplus profits ”)

line 36, after the first (“ the ”) insert (“ Licensing ”)

line 37, after (“ reasonable ”) insert (“ pro- “ vided that such payment shall not exceed the difference, if any, “ between the amount recoverable under any licence insurance “ scheme and the value of the certificate as determined under “ such scheme ”)

page 4, lines 3 to 33, leave out subsection (6).

After clause 3 insert the following new clause :

4.—(1) Certificates granted to an authorised public company under section 3 of this Act shall be granted subject to such conditions as may be required by the rules which the Secretary for Scotland shall make from time to time with respect to certificates so granted, and for regulating the conduct and procedure of authorised companies ; provided (a) that it shall be competent for such authorised company to apply to the licensing court for the provisional grant of one or more such certificates without stating in the statutory application where the premises are severally situated or the proprietor’s or factor’s name and designation, and the licensing court shall make such provisional grants accordingly, but such provisional grants shall not be valid until declared to be

(175 e)

final by the order of the licensing court to be made whenever the licensing court is satisfied that the premises selected by the authorised company are suitable; and (b) that nothing in this Act shall entitle an authorised public company to apply for or to obtain a greater number of such certificates in any area than the number of certificates in force in such area at the date at which this Act came into operation; but it shall be competent for such authorised public company to apply for and to obtain a smaller number of such certificates than the number in force as aforesaid.

(2) The surplus profits of an authorised public company, after payment of not more than four per centum per annum on capital, the payment of compensation as herein provided, and the formation of a reserve fund equal in amount to the paid-up capital upon such terms as may be fixed by the memorandum and articles of association of the said company and approved by the Secretary for Scotland, shall be paid into the Bank of England to a special account to be called "The Temperance Reform (Scotland) Account," which shall be audited as a public account by the Comptroller and Auditor-General in accordance with such regulations as the Treasury may from time to time make.

(3) All sums from time to time paid to the said account shall be applied by or under the direction of the Secretary for Scotland in making grants to county councils, to district committees of county councils, to town councils, to authorised public companies as defined by this Act, or such other public bodies as he shall think fit; and these grants, which shall be in proportion to the populations in the areas chosen by the Secretary for Scotland, shall be applied in providing and maintaining buildings and premises in which intoxicating liquors shall not be supplied or consumed, and in carrying them on as recreative and social centres for the people resident in such areas, in terms of a scheme to be prepared and issued by the Secretary for Scotland.

(4) No profit or advantage from the sale of excisable liquors shall accrue to the shareholders or directors of the said company beyond the aforesaid dividend, and the salary or remuneration of the managers or employees of the said company shall not be dependent on, and shall not be subject to increase or decrease in proportion to, the sale of intoxicating liquors in the licensed house or houses under their control.

(5) The accounts of every authorised public company shall be submitted to an annual audit by an auditor to be appointed by the Secretary for Scotland, and his report with abstract of accounts

(3)

shall be published in a newspaper circulating in the area. The auditor so appointed shall disallow and surcharge upon the interest on capital all unreasonable payment for rent, salaries, and liquor, and any use of the profits otherwise than as herein-before provided. The licensing court shall also have power to appoint an auditor who shall have the right to inspect the books of the company at any reasonable time.

(6) No person who, under section nine of the Licensing (Scotland) Act, 1903, is debarred from acting as a member of a licensing court shall be eligible to be a member or director or a shareholder of an authorised public company within the meaning of this Act.

(7) The Secretary for Scotland shall have power at any time to revoke the certificate or certificates granted to an authorised public company for any breach of the aforesaid regulations, or for other reasons that he may deem sufficient.

Schedule II., page 16, line 13, leave out from ("Company") to ("limiting") in line 18.

BY THE LORD CHANNING.

After clause 9 insert the following new clause :

. Excisable liquors may be supplied or sold in a registered club to any member thereof only on the days on which, and during the hours within which, excisable liquors may be supplied or sold in public houses within the burgh or county or county district, as the case may be, in which the said club is situated, and at no other time.

Hours for
supply or
sale of
excisable
liquors in
clubs.

BY THE EARL OF CAMPERDOWN.

Clause 16, page 12, line 20, after ("parish") insert :

("(c) Any district or locality having a population according to the census for the time being last taken of not less than twelve thousand, and situate partly within a county and partly within a burgh which shall have been agreed upon by the councils of the county and of the burgh respectively, and shall have been approved by the Secretary for Scotland.")

Temperance (Scotland) Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD BALFOUR,
THE LORD CHANNING,

AND

THE EARL OF CAMPERDOWN.

5th December 1912.

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(175 e)

Temperance (Scotland) Bill.

A M E N D M E N T

T O B E M O V E D O N R E P O R T

B Y

T H E E A R L O F C A M P E R D O W N .

Leave out clause 6.

(175*f*)

Temperance (Scotland) Bill.

AMENDMENT

TO BE MOVED ON REPORT

BT

THE EARL OF CAMPERDOWN.

6th December 1912.

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(175 f)

Temperance (Scotland) Bill.

A M E N D M E N T S .

T O B E M O V E D O N R E P O R T .

B Y T H E E A R L O F L Y T T O N .

Clause 1, page 1, line 6, leave out ("fourteen") and insert ("ten")

B Y T H E E A R L O F C A M P E R D O W N .

Clause 5, page 6, line 39, leave out ("lodged with the clerk
"to") and insert ("found by") and after ("authority") insert
("to have been duly signed")

line 40, leave out ("one month") and insert
("two months")

[In substitution for the Amendment previously circulated.]

Clause 16, page 12, line 20, after ("parish") insert :

(" (c) Any district or locality having a population according to the census for the time being last taken of not less than twelve thousand, and situate partly within a county and partly within a burgh which shall have been agreed upon by the council of the county and the town council of the burgh and shall have been approved by the Secretary for Scotland. For the purposes of this provision where a burgh has a separate licensing court, the local authority shall be the town council and the licensing court shall be the licensing court of the burgh; in any other case the local authority shall be the county council and the licensing court shall be the licensing court of the county or county district as the case may be.")

(175 g)

Temperance (Scotland) Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE EARL OF LYTTON

AND

THE EARL OF CAMPERDOWN.

9th December 1912.

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(175g)

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED ON REPORT.

BY THE LORD BALFOUR.

[In substitution for the Amendments previously circulated.]

Clause 3, page 3, line 27, leave out from (“ area ”) to the end of the subsection and insert (“ no certificate shall be granted therein except to an authorised public company: Provided that “ a certificate shall not be so granted unless the company has “ given such security either by way of deposit or otherwise as the “ licensing court requires for the payment by the company by way “ of annual or other periodical instalments to the Scottish Licence “ Holders Central Insurance Board established under this Act of “ one-half of the total declared value of the certificates in the “ area, as insured in accordance with the Third Schedule to this “ Act, which have been withdrawn in pursuance of the dis- “ interested management resolution; or where applications for “ certificates within the area are entertained from more than one “ authorised public company, security for the payment of such “ proportion of half the total declared value aforesaid as may be “ fixed by the licensing court. The liability imposed upon any “ authorised public company in pursuance of the foregoing pro- “ vision shall cease and determine if and when the disinterested “ management resolution in pursuance of which the liability was “ imposed ceases to be in force.

“ (6) The Scottish Licence Holders Central Insurance Board “ shall apply the sums received in pursuance of the provisions of “ the immediately preceding subsection towards the payment of “ the claims of the licence holders in the area in respect of the “ withdrawal of whose certificates such sums are payable ”)

page 4, line 6, after (“ Association ”) insert (“ shall ”)

line 7, after (“ the ”) insert (“ Memorandum

“ and ”)

line 8, after (“ prescribe ”) insert (“ either

“ generally or with reference to any particular authorised public “ company ”)

(175 h)

A

Clause 3, page 4, line 10, after ("that") insert ("subject to
" the payment of all sums required in pursuance of this section to
" be paid by the company to the Scottish Licence Holders Central
" Insurance Board ") and leave out from ("at") to ("not") in
line 12.

line 17, leave out from ("be") to the end of
paragraph (a) and insert ("applied by him in making grants to
" local authorities to be expended upon such works of public
" utility as he may in each case prescribe")

line 23, after ("that") insert ("no profit or
" advantage from the sale of excisable liquors shall accrue to the
" shareholders or directors of the said company, beyond the
" aforesaid dividend, and")

line 33, at end insert ("The auditor so
" appointed shall disallow and surcharge upon the interest on
" capital all unreasonable payments for rent, salaries, and liquor
" and any use of the profits otherwise than as hereinbefore
" provided. The licensing court shall also have power to appoint
" an auditor who shall have the right to inspect the books of the
" company at any reasonable time")

(d) That no person who, under Section 9 of the Licensing
(Scotland) Act, 1903, is debarred from acting as a
member of a licensing court shall be eligible to be a
member or director or shareholder of an authorised
public company within the meaning of this Act.

(e) That it shall be competent for such authorised company
to apply to the licensing court for the provisional
grant of one or more such certificates without stating
in the Statutory application where the premises are
severally situated or the proprietors or factors name
and designation, and the licensing court shall make
such provisional grants accordingly, but such pro-
visional grants shall not be valid until declared to
be final by the order of the licensing court to be made
whenever the court is satisfied that the premises
selected by the authorised company are suitable; and

(7) Nothing in this Act shall entitle an authorised public
company to apply for or to obtain a greater number of such
certificates in any area than the number of certificates in force in
such area at the date on which this Act came into operation; but
it shall be competent for such authorised public company to apply
for and to obtain a smaller number of such certificates than the
number in force as aforesaid.

(3)

(8) Before any grant is made by the Secretary for Scotland to a local authority under this section a draft scheme shall be laid before both Houses of Parliament during the Session of Parliament specifying the local authority to whom the grant is proposed to be made, the amount of the grant and the works of public utility upon which the grant is to be expended, and if within the next thirty days upon which that House has sat either House passes a resolution against the scheme or any part thereof no further proceedings shall be taken thereon without prejudice to the making of any new draft scheme.

(9) The Licensing (Scotland) Act, 1903, as amended by this Act shall apply to any application by an authorised public company for the grant or renewal of a certificate and in addition to any terms or conditions imposed under the Licensing (Scotland) Act, 1903, as amended by this Act a certificate granted to an authorised public company shall be granted and held subject to the conditions specified in this section, and to such provisions in the memorandum and articles of association of the company as may have been required by the Secretary for Scotland to have been inserted therein and those conditions and provisions shall be taken to be within the terms and provisions of the Licensing (Scotland) Act, 1903, and any breach of those conditions or provisions shall be an offence within the meaning of the Licensing (Scotland) Act, 1903, against the terms and conditions contained in the said certificate.

(10) Unless within three months after a disinterested management resolution is carried an authorised public company has made an application in writing to the licensing court of the area stating that the company is desirous of carrying on business in the area in accordance with the provisions of this section and has satisfied the licensing court that the company is able and willing to undertake the liability for payments to the Scottish Licence Holders Central Insurance Board imposed by this section the disinterested management resolution shall be void.

Clause 4, page 4, line 35, after (" resolution ") insert (" or, " except where the grant of a certificate is refused to an authorised " public company, in pursuance of a disinterested management " resolution ")

page 5, line 9, after (" thereof ") insert (" has not " become void under the provisions of this Act or ")

line 30, at end insert (" or for a disinterested " management resolution ")

(175 h)

A 2

Schedule II., page 16, leave out lines 10 to 17 inclusive, and insert (“ means that certificates for the sale of excisable liquors “ shall only be granted to an authorised public company, and that “ the surplus profits of such company, after the payment of “ specified charges are to be paid to a fund for use for public “ purposes throughout Scotland ”)

BY THE MARQUESS OF SALISBURY.

After clause 5 insert the following new clause :

Insurance of
certificates.

6.—(1) There shall be established in accordance with the provisions of the Third Schedule to this Act a Scottish Licence Holders Central Insurance Board and also a Scottish Licence Holders Mutual Insurance Association or Associations, and every holder of a certificate shall insure in such an association in respect of each certificate held by him.

(2) The insurance of certificates shall be carried out in accordance with the provisions set out in the Third Schedule to this Act.

(3) A person from whom a certificate is withdrawn in pursuance of a resolution under this Act may, in accordance with the scheme set forth in the Third Schedule to this Act, recover the moneys payable to him thereunder. Provided always, and it is hereby expressly declared, that any claim in respect of the declared value of the certificate shall be enforceable only if, and in so far as, moneys for the payment of such claims are available under the said scheme.

(4) No excise licence for the sale by retail of excisable liquor shall be granted by the Commissioners of Customs and Excise or by any officer of Customs and Excise except upon the production by the person authorised to hold the licence of a receipt for the insurance of his certificate and for any levy for the year to which the licence relates.

(5) This section shall take effect as from the passing of this Act.

Page 16, after Schedule II. insert the following new Schedule :

1. Before the twenty-eighth day of May next after the passing of this Act, every holder of a certificate shall become a member of a Mutual Insurance Association (in this Schedule referred to as “ an association ”) which shall be an association not carried on for profit and shall be registered under the Companies (Consolidation) Act, 1908,

(5)

or the Friendly Societies Acts. The affairs of an association shall be subject to the absolute control of its members and one of the objects of an association shall be the insuring of every member of the association against loss arising from the withdrawal of his certificate by reason of a resolution under this Act. An association shall have a membership of not less than :

- (a) in the case of an association insuring only "on" licences persons holding in the aggregate not less than one thousand such licenses ; or
- (b) in the case of an association insuring only "off" licences persons holding in the aggregate not less than five hundred such licenses ; or
- (c) in the case of an association insuring both "on" and "off" licences persons holding in the aggregate not less than one thousand "on" licences and persons holding in the aggregate not less than five hundred "off" licences.

2.—(1) The application to become insured in an association shall be signed by the applicant, and shall contain a declaration of the value in accordance with rules made by the Scottish Licence Holders Central Insurance Board (hereinafter called "the declared value") of the certificate to be insured.

(2) The declared value shall be an amount not exceeding seven years' purchase of the net annual profit from the sale of excisable liquors carried on under the certificate, ascertained on the average of the three preceding years.

3. The premium payable to an association in respect of the insurance of a certificate under this Act shall be an annual premium payable in advance and inclusive of the expenses of administration shall be at such rate not exceeding one half per centum of the declared value as the central board (established under this Schedule) may determine.

4.—(1) As soon as may be, but not later than four months after the passing of this Act there shall be constituted a Board to be styled the "Scottish Licence Holders Central Insurance Board" (in this Schedule referred to as the "Central Board").

(2) The Central Board first constituted shall be elected by holders of certificates and shall consist of nine members of whom four shall be "on" licence holders, two "off" licence holders and the remaining members a brewer, distiller, and wholesale dealer respectively, who may act with a quorum of three and shall hold office for not more than two years.

(3) The Central Board shall be a body corporate with a common seal, and shall elect a chairman from their own number.

(175 h)

A 3

After Schedule II.—continued.

(2) The Central Board first constituted shall be elected by holders of certificates and shall consist of nine members of whom four shall be "on" licence holders, two "off" licence holders and the remaining members a brewer, distiller, and wholesale dealer respectively, who may act with a quorum of three and shall hold office for not more than two years.

(3) The Central Board shall be a body corporate with a common seal, and shall elect a chairman from their own number.

(4) The Secretary of the Licensed Trade Defence Association of Scotland shall receive nominations for membership and proceed to the election of a Central Board within three months after the passing of this Act, which election shall be decided by the holders of a majority of the certificates voting for a representative of each of the several classes of constituent members of such Board, and the expenses of such election shall be a charge against the first premiums payable in respect of insurance under the provisions of this Act.

5. The Central Board shall within twelve months after the passing of this Act, and from time to time thereafter if occasion arises, may make rules prescribing amongst other things—

- (1) The conditions on which the declared value of certificates may be ascertained, approved, modified, or re-adjusted, and the method of verification of declared value if a certificate is withdrawn.
- (2) The manner of subsequent election and the number of members of the Board, which shall not exceed twenty-one, the quorum, the duration of their office and the basis of representation. Provided that at least nine members shall be elected in the same proportions and in the same manner as in the Central Board first constituted, and in addition, each association may elect one member to the Central Board for every one thousand certificates insured with such association.
- (3) The furnishing of receipts by secretaries of associations for premiums or levies.
- (4) The mode in which claims and payments in respect of claims are to be made.
- (5) Any matters incidental to the proper conduct of the affairs of the Board and to carrying out the provisions of this Act.

Provided always that no such rule shall contain anything inconsistent with the provisions of this Act, and every such rule shall be subject to the approval of the Secretary for Scotland.

6.—(1) On or before the thirtieth day of June in each year every association shall pay to the Central Board eight shillings and sixpence per centum of the declared value from the amount of the premiums received by the association under the provisions of this Act.

(7)

to the payment of any claim relating to an on-licence. The Central Board shall have the management of the said funds, and the investment thereof, and the whole of the said funds shall be applied to the payment of claims as provided by this Act.

(3) The necessary preliminary and office and administration expenses of the Central Board shall be contributed by each association in proportion to the total declared values of the certificates insured by said associations. Provided that the fees to members of the Central Board shall not exceed an aggregate of one thousand pounds in any one year.

7.—(1) When a certificate is withdrawn by reason of any resolution carried under this Act, a claim upon the appropriate fund to an amount not exceeding the declared value shall thereupon arise, provided that no such claim shall be enforceable against the Central Board except in respect of the year in which such certificate is withdrawn.

(2) When either of the funds of the Central Board is insufficient to meet the claims of members of associations in any particular year, the appropriate fund shall be divided among such members in proportion to the declared value of the certificates.

8.—(1) Where in any year the respective amounts paid by the Central Board are insufficient to pay in full the respective claims arising in that year of "on" or "off" licence holders a claim shall thereupon be enforceable against an association by any member thereof whose claim against the Central Board in respect of a certificate insured by such association has not been paid in full and the directors of an association shall impose upon the on-licence holders or off-licence holders (as the case may require) who are members of the association a levy not exceeding one and a half per centum of the declared value of each certificate.

(2) If the proceeds of the levy are insufficient to pay in full the claims in respect of which it was made, the unpaid balance of the claims shall be carried forward for the two following years, and in each of these years, if necessary, the like levy shall be made and the proceeds thereof shall be applied to the payment of all outstanding claims, and to no other purpose.

(3) After the distribution in the third year all claims against an association in respect of a certificate which has been withdrawn shall be deemed to have been discharged.

9. The holder of a certificate who has paid the premium payable in respect of the insurance of the certificate or a levy under Section 8 of this Schedule shall be entitled to deduct from the interest on any loan advanced to him under any agreement, undertaking, or covenant binding him to obtain a supply of excisable liquor from the lender a sum bearing such proportion to the said premium or levy as the

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9. The holder of a certificate who has paid the premium payable in respect of the insurance of the certificate or a levy under section eight of this Schedule shall be entitled to deduct from the interest on any loan advanced to him under any agreement, undertaking, or covenant binding him to obtain a supply of exciseable liquor from the lender a sum bearing such proportion to the said premium or levy as the loan bears to the declared value of the said certificate: Provided that the lender shall have a right to any sums receivable under this Schedule, proportionate to the premium or levy paid by him, and in default of agreement the amount of premium or levy to be deducted or the sum due to the lender shall be determined by the sheriff. 5 10

10. All sums due by an authorised public company under the provisions of subsection (5) of section three of this Act shall be paid to the Central Board, and shall be applied by the Central Board towards the payment of the claims of the licence holders in respect of the withdrawal of whose certificates such sums are payable. 15

11. The clerk of a licensing court shall, on request, in writing, furnish to the Central Board or to an association or before the constitution of the Central Board to the secretary of the Licensed Trade Defence Association of Scotland a list of all the persons who have obtained certificates for the sale by retail of exciseable liquor in the district within the jurisdiction of the licensing court for the current year, in conformity with the conditions set out in section twenty-five of the Licensing (Scotland) Act, 1903, which shall apply with the necessary modifications. 20

12. In this Schedule, unless the context otherwise requires,— 25

The expression “on licence” means a licence for the sale of any exciseable liquor for consumption on the premises:

The expression “off licence” means a licence for the sale of any exciseable liquor not to be consumed on the premises.

Temperance (Scotland) Bill.

A M E N D M E N T S

TO BE MOVED ON THIRD READING

BY

THE LORD COURTNEY OF PENWITH.

Clause 2, page 2, line 15, after ("poll") insert ("an elector
" in giving his vote—

- "(a) must place on his ballot paper the figure (1) in the
" space opposite the resolution for which he votes; but
"(b) may in addition place on his ballot paper the figure (2)
" or the figures (2) and (3), or the figures (2), (3) and
" (4) in the spaces opposite the other resolutions in the
" order of his preference.

" If on a scrutiny it is found that no resolution has been
" carried in accordance with the conditions above prescribed, the
" no-licence resolution shall be deemed to have been negatived
" and the papers marked (1) against such resolution shall be
" examined and transferred in accordance with the preference, if
" any, expressed upon them to the new resolution or resolutions
" marked (2) on such papers; and if after this transfer no one
" of the three remaining resolutions is found to have been carried,
" the resolution in favour of disinterested management should be
" deemed to have been negatived, and the voting papers which
" either originally or by transference support this resolution shall
" be examined and transferred in accordance with the preferences,
" if any, expressed upon them. If the limiting resolution is then
" found not to have been carried, the no-change resolution shall
" be deemed to be carried")

Schedule II., page 18, amend the schedule by striking out the
figures ("1") ("2") ("3") ("4") on left-hand side of form of
ballot paper.

line 29, after ("by") leave out ("make
" an X") and insert ("marking the figure (1)")

line 30, leave out ("for") and leave
out from the first ("you") to the end of the schedule and insert
("most prefer. You may further mark the figures (2) (3) and (4)
" opposite the other resolutions in the order of your choice")

(190 a)

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to promote Temperance in Scotland by conferring on the electors in prescribed areas control over the grant and renewal of certificates ; by securing a later hour of opening for licensed premises ; by amending the law relating to clubs ; and by other provisions incidental thereto. A.D. 1913.

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:—

5 **1.** This Act shall, except as otherwise in this Act provided, come into operation on the expiration of ten years from the first day of June nineteen hundred and twelve. Date of Act coming into operation.

10 **2.**—(1) If, in the manner hereinafter provided, a requisition demanding a poll under this Act in any area is found by the local authority to have been duly signed, the local authority shall cause a poll of the electors in such area (hereinafter called “a poll”) to be taken in accordance with the provisions of this Act. Poll of electors on resolutions submitted.

15 (2) The questions to be submitted to the electors at a poll shall be the adoption in and for such area of (a) a no-change resolution, or (b) a disinterested management resolution, or (c) a limiting resolution, or (d) a no-licence resolution.

(3) On a poll in any area—

20 (a) if two-thirds at least in number of the votes recorded are in favour of a no-licence resolution, and not less than thirty per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried ; or if

A.D. 1913.

(b) a majority of the votes recorded are in favour of a limiting resolution, or of a disinterested management resolution, as the case may be, and not less than thirty per cent. of the electors for such area on the register have voted in favour thereof, such resolution shall be deemed to be carried; or if

(c) a majority of the votes recorded are in favour of a no-change resolution, or if no other resolution is carried, a no-change resolution shall be deemed to be carried; and

any such resolution so carried shall come into force on the twenty-eighth day of May immediately following the taking of the poll.

(4) An elector shall not be entitled to vote for more than one of the resolutions submitted at the poll. An elector in giving his vote—

(a) must place on his ballot paper the figure (1) in the space opposite the resolution for which he votes; but

(b) may in addition place on his ballot paper the figure (2) or the figures (2) and (3), or the figures (2), (3), and (4) in the spaces opposite the other resolutions in the order of his preference.

If on a scrutiny it is found that no resolution has been carried in accordance with the conditions above prescribed, the no-licence resolution shall be deemed to have been negatived and the papers marked (1) against such resolution shall be examined and transferred in accordance with the preferences, if any, expressed upon them to the new resolution or resolutions marked (2) on such papers; and if after this transfer no one of the three remaining resolutions is found to have been carried, the resolution in favour of disinterested management shall be deemed to have been negatived, and the voting papers which either originally or by transference support this resolution shall be examined and transferred in accordance with the preferences, if any, expressed upon them. If the limiting resolution is then found not to have been carried, the no-change resolution shall be deemed to be carried.

(5) Any such resolution if carried shall remain in force until the resolution is repealed or superseded as hereinafter provided.

Effect of
resolutions,
if carried.

3.—(1) For the period during which a no-licence resolution remains in force in any area, no certificate shall be granted therein; except that the licensing court may, on being satisfied

that under the special circumstances of the case any certificate is reasonably required notwithstanding the fact that a no-licence resolution is in force in the area, grant one or more certificates for an inn and hotel or for premises structurally adapted for use and bonâ fide used or to be used as a restaurant: Provided that any certificate so granted shall be deemed to include the conditions that there shall be on the certificated premises no drinking-bar or other part of the premises mainly or exclusively used for the sale or consumption of exciseable liquors, and that such liquors shall be sold therein by retail only and to none but persons lodging or residing in the inn and hotel, or persons taking a meal on the premises of the restaurant or (if the court so sanction) of the inn and hotel, for consumption with such meal; and provided further that it shall be a condition of the renewal of any such certificate in any year after the year in which it is first granted under the provisions of this section that the applicant shall satisfy the court by production of an excise licence or otherwise that he is entitled to a reduction of duty in terms of section forty-five of the Finance (1909-10) Act, 1910.

(2) For the period during which a limiting resolution remains in force in any area, without prejudice to the other powers or discretion of the licensing court, it shall not be lawful for the licensing court to grant a greater number of certificates in such area than the nearest integral number which shall not exceed seventy-five per cent. of the number of certificates in force at the date at which such resolution is carried.

(3) If a limiting resolution is carried the licensing court shall, before the first day of February following the poll, meet for the purpose of preparing a scheme for carrying out in the area the requirements of the resolution, which scheme shall give the particulars of any premises the certificates of which the court propose to withdraw, and every scheme prepared as aforesaid shall forthwith be advertised by the clerk to the licensing court in a newspaper circulating in the area and shall be open to the inspection of the public for three weeks before the first day of March following the poll at a place to be stated in the advertisement.

(4) Before the general half-yearly meeting of the licensing court held in April, the licensing court shall meet for the purpose of hearing the parties interested in the said scheme and adjusting the said scheme for consideration at the said April meeting, and the licensing court shall at that meeting or at any adjourn-

A.D. 1913.

The Commons disagree to this Amendment :

Because they consider that the condition imposed by the Amendment is too stringent.

Lords Amendments.

Clause 2, page 2, line 2, after (“ resolution ”) insert (“ or of “ a disinterested management resolution, as the case may be ”)

Clause 3, page 3, line 25, after subsection (4) insert the following new subsections :

(5) For the period during which a disinterested management resolution remains in force in any area no certificate shall be granted therein except to an authorised public company: Provided that a certificate shall not be so granted unless the company has given such security, either by way of deposit or otherwise as the licensing court requires, for the payment by the company, by way of annual or other periodical instalments to the Scottish Licence Holders Central Insurance Board established under this Act, of one-half of the total declared value of the certificates in the area, as insured in accordance with the Third Schedule to this Act, which have been withdrawn in pursuance of the disinterested management resolution; or where applications for certificates within the area are entertained from more than one authorised public company, security for the payment of such proportion of half the total declared value aforesaid as may be fixed by the licensing court. The liability imposed upon any authorised public company in pursuance of the foregoing provision shall cease and determine if and when the disinterested management resolution, in pursuance of which the liability was imposed, ceases to be in force.

(6) The Scottish Licence Holders Central Insurance Board shall apply the sums received in pursuance of the provisions of the immediately preceding subsection towards the payment of the claims of the licence holders in the area in respect of the withdrawal of whose certificates such sums are payable.

(7) An authorised public company means a company registered under the Companies (Consolidation) Act, 1908, one of whose objects shall be the sale of exciseable liquors and whose memorandum and articles of association shall have been approved by the Secretary for Scotland. The memorandum and articles of association shall make provisions for such matters as the Secretary for

(3)

Scotland may prescribe either generally or with reference to any particular authorised public company and shall provide, among other things—

- (a) that, subject to the payment of all sums required in pursuance of this section to be paid by the company to the Scottish Licence Holders Central Insurance Board, the whole of the profits, after payment of interest at not more than four per centum on the paid-up capital, and after making provision for the formation of a reserve fund equal in amount to the paid-up capital upon such terms as may be fixed by the memorandum and articles of association, shall be paid to the Secretary for Scotland, and shall be applied by him in making grants to local authorities to be expended upon such works of public utility as he may in each case prescribe;
- (b) that no profit or advantage from the sale of exciseable liquors shall accrue to the shareholders or directors of the said company, beyond the aforesaid dividend, and the salary or remuneration of the managers or employees of the company shall not be dependent on, and shall not be subject to increase or decrease in proportion to, the sale of intoxicating liquors in any licensed house under the control of the company;
- (c) that the accounts of the company shall be submitted to an annual audit by an auditor to be approved by the Secretary for Scotland, and that the report of such auditor, with an abstract of the accounts, shall be published in a newspaper circulating in each area in which the company holds a certificate. The auditor so appointed shall disallow and surcharge upon the interest on capital all unreasonable payments for rent, salaries and liquor, and any use of the profits otherwise than as hereinbefore provided. The licensing court shall also have power to appoint an auditor who shall have the right to inspect the books of the company at any reasonable time;
- (d) that no person who, under section nine of the Licensing (Scotland) Act, 1903, is debarred from acting as a member of a licensing court shall be eligible to be a member or director or shareholder of an authorised public company within the meaning of this Act, and

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(e) that it shall be competent for such authorised company to apply to the licensing court for the provisional grant of one or more such certificates without stating in the statutory application where the premises are severally situated or the proprietor's or factor's name and designation, and the licensing court shall make such provisional grants accordingly, but such provisional grants shall not be valid until declared to be final by the order of the licensing court to be made whenever the court is satisfied that the premises selected by the authorised company are suitable.

(8) Nothing in this Act shall entitle an authorised public company to apply for or to obtain a greater number of such certificates in any area than the number of certificates in force in such area at the date on which this Act came into operation; but it shall be competent for such authorised public company to apply for and to obtain a smaller number of such certificates than the number in force as aforesaid.

(9) Before any grant is made by the Secretary for Scotland to a local authority under this section, a draft scheme shall be laid before both Houses of Parliament during the Session of Parliament specifying the local authority to whom the grant is proposed to be made, the amount of the grant and the works of public utility upon which the grant is to be expended, and if within the next thirty days upon which that House has sat either House passes a resolution against the scheme or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft scheme.

(10) The Licensing (Scotland) Act, 1903, as amended by this Act, shall apply to any application by an authorised public company for the grant or renewal of a certificate and in addition to any terms or conditions imposed under the Licensing (Scotland) Act, 1903, as amended by this Act, a certificate granted to an authorised public company shall be granted and held subject to the conditions specified in this section, and to such provisions in the memorandum and articles of association of the company as may have been required by the Secretary for Scotland to have been inserted therein and those conditions and provisions shall be taken to be within the terms and provisions of the Licensing (Scotland) Act, 1903, and any breach of those conditions or provisions shall be an offence within the meaning of the Licensing (Scotland) Act, 1903, against the terms and conditions contained in the said certificate.

(11) Unless within three months after a disinterested management resolution is carried an authorised public company has made an application in writing to the licensing court of the area stating that the company is desirous of carrying on business in the area in accordance with the provisions of this section, and has satisfied the licensing court that the company is able and willing to undertake the liability for payments to the Scottish Licence Holders Central Insurance Board imposed by this section, the disinterested management resolution and the poll at which the resolution was carried shall be void.

(12) The decision of the licensing court in refusing certificates in pursuance of a no-licence resolution or, except where the grant of a certificate is refused to an authorised public company, in pursuance of a disinterested management resolution shall not be subject to appeal, but where any certificate has been withdrawn to give effect to a limiting resolution an appeal shall lie from such decision as in the case of the refusal of the renewal of a certificate under the provisions of the Licensing (Scotland) Act, 1903 : Provided always that if the result of any appeal or appeals under this provision is to render the certificates in existence in the area in excess of the number allowed by the limiting resolution, the licensing court shall, before the next general half-yearly meeting of the licensing court, prepare a scheme for the reduction of the certificates to the aforesaid number, and shall notify the same in manner similar to that prescribed in respect of the original scheme and shall proceed to give effect thereto.

(13) It shall not be competent for a member of a licensing court to sign a requisition for a poll under this Act.

4.—(1) Where a poll has been taken, and such poll, or the declared result thereof has not become void under the provisions of this Act, or has not been declared void in terms of this Act, a further poll shall not be taken before the month of November in the third year from the date of the last poll.

Resolutions
at further
polls.

(2) Such further poll may be taken—

(a) if a no-change resolution is in force, or if a limiting resolution or disinterested management resolution, or no-licence resolution has been repealed, for the following options, that is to say, for a further no-change resolution, or for a no-licence resolution, or for a disinterested management resolution, or for a limiting resolution ;

(194) B

Second Schedule, page 12, after line 15 insert :

**DISINTERESTED MANAGEMENT
RESOLUTION**

(means that certificates for the sale of exciseable liquors shall only be granted to an authorised public company, and that the surplus profits of such company, after the payment of specified charges, are to be paid to a fund for use for public purposes throughout Scotland in accordance with the provisions of this Act).

The Commons disagree to these Amendments :

Because the Amendments are consequential on an Amendment made by the Lords to which the Commons have disagreed.

Lords Amendments.

Clause 2, page 2, lines 14 to 18, leave out from (" poll ") to the end of subsection (4).

Clause 4, page 4, lines 4 and 5, leave out from (" resolution ") to the end of paragraph (b).

The Commons disagree to these Amendments :

Because they consider that it is reasonable in the event contemplated that the votes recorded in favour of a no-licence Resolution should be added to those recorded in favour of a limiting Resolution.

Lords Amendments.

Clause 2, page 2, line 18, at the end of subsection (4) insert (" An elector in giving his vote :

" (a) must place on his ballot paper the figure (1) in the space opposite the resolution for which he votes ; but

" (b) may in addition place on his ballot paper the figure (2) or the figures (2) and (3), or the figures (2), (3), and (4) in the spaces opposite the other resolutions in the order of his preference.

" If on a scrutiny it is found that no resolution has been carried in accordance with the conditions above prescribed, the

(7)

no-licence resolution shall be deemed to have been negatived and the papers marked (1) against such resolution shall be examined and transferred in accordance with the preferences, if any, expressed upon them to the new resolution or resolutions marked (2) on such papers; and if after this transfer no one of the three remaining resolutions is found to have been carried, the resolution in favour of disinterested management shall be deemed to have been negatived, and the voting papers which either originally or by transference support this resolution shall be examined and transferred in accordance with the preferences, if any, expressed upon them. If the limiting resolution is then found not to have been carried, the no-change resolution shall be deemed to be carried.”)

Second Schedule, page 12, line 24, leave out (“ making an X ”) and insert (“ marking the figure (1) ”)

Page 12, line 25, leave out (“ for ”) and leave out from the first (“ you ”) to the end of the Schedule and insert (“ most prefer. “ You may further mark the figures (2), (3) and (4) opposite the “ other resolutions in the order of your choice ”)

The Commons disagree to these Amendments :

Because they consider that the method of taking a poll and arriving at the result thereof is unnecessarily complicated.

Lords Amendments.

Clause 3, page 3, lines 26 and 27, leave out (“ or reducing ”)

Clause 3, lines 27 and 28, leave out (“ or of a limiting resolution ”) and insert (“ or except where the grant of a certificate is refused to an authorised public company in pursuance of a disinterested management resolution ”)

Clause 3, page 3, line 28, after (“ appeal ”) insert (“ but where any certificate has been withdrawn to give effect to a limiting resolution an appeal shall lie from such decision as in the case of the refusal of the renewal of a certificate under the provisions of the Licensing (Scotland) Act, 1903: Provided always that if the result of any appeal or appeals under this provision is to render the certificates in existence in the area in excess of the number allowed by the limiting resolution, the licensing court shall, before the next general half-yearly meeting of the licensing court, prepare a scheme for the reduction of the certificates to the aforesaid number, and shall notify the same

“ in manner similar to that prescribed in respect of the original
“ scheme and shall proceed to give effect thereto ”)

The Commons disagree to these Amendments :

*Because the proposal to allow an appeal from the
licensing court to the Court of Appeal where the licensing
court has refused to renew the grant of a certificate in
pursuance of a limiting resolution would make the machinery
of reduction complicated and unworkable.*

Lords Amendments.

Clause 5, page 4, lines 20 to 35, leave out (“ Subsection (1) ”)
and insert the following new subsection :

(“ (1) The requisition for a poll shall be made upon a
requisition paper which shall be in the form set out in Schedule I.
of this Act and shall be signed by not less than one-tenth of the
electors in the area. On the written demand of ten electors
made not earlier than the fifteenth day of August or later
than the twenty-fifth day of August next preceding the date on
which a poll can be taken under this Act a requisition paper
shall be prepared by the clerk to the local authority who shall
forthwith insert in not less than two newspapers circulating in
the district a notice that such paper is being publicly exhibited
at his office, or at such fit and convenient place within the area to
which the requisition applies as he shall in such notice specify for
signature and inspection until the thirtieth day of the next following
month of September when it will be removed. If the requisition
paper shall be found by the local authority to have been duly
signed by not less than one-tenth of the electors in the area, the
clerk to the local authority shall thereupon insert in not less than
two newspapers circulating in the area a notice that such requisition
has been duly signed ”)

Clause 5, page 6, line 10, leave out from the second
 (“ requisition ”) to (“ shall ”) in line 13.

The Commons disagree to these Amendments :

*Because it seems unreasonable to require that the
requisition should be signed only in a specified place.*

Lords Amendments.

After clause 5 insert clause A. :

Insurance of
certificates.

A.—(1) There shall be established in accordance with the
provisions of the Third Schedule to this Act a Scottish Licence

(9)

Holder's Central Insurance Board and also a Scottish Licence Holders Mutual Insurance Association or Associations, and every holder of a certificate shall insure in such an association in respect of each certificate held by him.

(2) The insurance of certificates shall be carried out in accordance with the provisions set out in the Third Schedule to this Act.

(3) A person from whom a certificate is withdrawn in pursuance of a resolution under this Act may, in accordance with the scheme set forth in the Third Schedule to this Act, recover the moneys payable to him thereunder: Provided always, and it is hereby expressly declared, that any claim in respect of the declared value of the certificate shall be enforceable only if, and in so far as, moneys for the payment of such claims are available under the said scheme.

(4) No excise licence for the sale by retail of exciseable liquor shall be granted by the Commissioners of Customs and Excise or by any officer of Customs and Excise except upon the production by the person authorised to hold the licence of a receipt for the insurance of his certificate for the year to which the licence relates and for any levy under the provisions of the Third Schedule to this Act.

(5) This section shall take effect as from the passing of this Act.

After the Second Schedule insert the following new schedule :

1. Every holder of a certificate shall before the twenty-eighth day of May next after the grant to him of the certificate become a member of a Mutual Insurance Association (in this Schedule referred to as "an association") which shall be an association not carried on for profit and shall be registered under the Companies (Consolidation) Act, 1908, or the Friendly Societies Acts. The affairs of an association shall be subject to the absolute control of its members and one of the objects of an association shall be the insuring of every member of the association against loss arising from the withdrawal of his certificate by reason of a resolution under this Act. An association shall have a membership of not less than—

- (a) in the case of an association insuring only "on" licences persons holding in the aggregate not less than one thousand such licences; or
- (b) in the case of an association insuring only "off" licences persons holding in the aggregate not less than five hundred such licences; or

(208)

B

(e) in the case of an association insuring both "on" and "off" licences persons holding in the aggregate not less than one thousand "on" licences and persons holding in the aggregate not less than five hundred "off" licences.

2.—(1) Every holder of a certificate shall be entitled to become a member of an association, and an application for the insurance of a certificate shall not be refused by an association except on the ground that the certificate in respect of which such application is made is already insured under the provisions of this Act, and an association which refuses or fails, except as aforesaid, duly to give a receipt for a premium paid or tendered in respect of the insurance of a certificate shall be liable, in the event of the withdrawal of such certificate by reason of a resolution under this Act, to pay to the person whose certificate has been withdrawn the full declared value of such certificate.

(2) The application to become insured in an association shall be signed by the applicant, and shall contain a declaration of the value in accordance with rules made by the Scottish Licence Holders Central Insurance Board (hereinafter called "the declared value") of the certificate to be insured.

(3) The declared value shall be an amount not exceeding seven years' purchase of the net annual profit from the sale of exciseable liquors carried on under the certificate, ascertained on the average of the three preceding years.

(4) When the declared value of a certificate has not been ascertained a receipt for the insurance of such certificate shall be issued by an association to the holder thereof on payment of the premium upon a provisional estimate of the declared value made by the holder of the certificate, and such receipt shall be sufficient for the purposes of subsection (4) of section 6 of this Act provided that an adjustment of the premium to be paid by the holder of the certificate to an association shall be made when the declared value has been ascertained, and failure to pay the sum by which the premium paid falls short of the full amount due shall be a sufficient ground for withholding a receipt for the premium paid in the succeeding year, and any over payment by the holder of the certificate in respect of a provisional estimate shall be retained by an association as part payment of the premium in respect of the declared value in the succeeding year.

4. The premium payable to an association in respect of the insurance of a certificate under this Act shall be an annual premium payable in advance and inclusive of the expenses of administration shall be at such rate not exceeding one half per centum of the declared value as the central board (established under this Schedule) may determine.

5.—(1) As soon as may be, but not later than four months after the passing of this Act there shall be constituted a Board to be styled the "Scottish Licence Holders Central Insurance Board" (in this Schedule referred to as the "Central Board").

(11)

(2) The Central Board first constituted shall be elected by holders of certificates and shall consist of nine members of whom four shall be "on" licence holders, two "off" licence holders and the remaining members a brewer, distiller, and wholesale dealer respectively, who may act with a quorum of three and shall hold office for not more than two years.

(3) The Central Board shall be a body corporate with a common seal, and shall elect a chairman from their own number.

(4) The Secretary of the Licensed Trade Defence Association of Scotland shall receive nominations for membership and proceed to the election of a Central Board within three months after the passing of this Act, which election shall be decided by the holders of a majority of the certificates voting for a representative of each of the several classes of constituent members of such Board, and the expenses of such election shall be a charge against the first premiums payable in respect of insurance under the provisions of this Act.

6. The Central Board shall within twelve months after the passing of this Act, and from time to time thereafter if occasion arises, may make rules prescribing amongst other things—

- (1) The conditions on which the declared value of certificates may be ascertained, approved, modified, or re-adjusted, and the method of verification of declared value if a certificate is withdrawn ;
- (2) The manner of subsequent election and the number of members of the Board, which shall not exceed twenty-one, the quorum, the duration of their office and the basis of representation : Provided that at least nine members shall be elected in the same proportions and in the same manner as in the Central Board first constituted, and in addition, each association may elect one member to the Central Board for every one thousand certificates insured with such association ;
- (3) The furnishing of receipts by secretaries of associations for premiums or levies ;
- (4) The mode in which claims and payments in respect of claims are to be made ;
- (5) Any matters incidental to the proper conduct of the affairs of the Board and to carrying out the provisions of this Act :

Provided always that no such rule shall contain anything inconsistent with the provisions of this Act, and every such rule shall be subject to the approval of the Secretary for Scotland.

7.—(1) On or before the thirtieth day of June in each year every association shall pay to the Central Board eight shillings and sixpence per centum of the declared value from the amount of the premiums received by the association under the provisions of this Act.

(2) The amounts received in respect of premiums paid by holders of certificates for on-licences and by holders of certificates for off-licences respectively, shall be carried by the Central Board to two separate accounts to be called respectively "The On-Licence Holders' Insurance Fund" and "The Off-Licence Holders' Insurance Fund." No part of the "On-Licence Holders' Insurance Fund" shall be applied to the payment of any claim relating to an off-licence and no part of the "Off-Licence Holders' Insurance Fund" shall be applied to the payment of any claim relating to an on-licence. The Central Board shall have the management of the said funds, and the investment thereof, and the whole of the said funds shall be applied to the payment of claims as provided by this Act.

(3) The necessary preliminary and office and administration expenses of the Central Board shall be contributed by each association in proportion to the total declared values of the certificates insured by said associations: Provided that the fees to members of the Central Board shall not exceed an aggregate of one thousand pounds in any one year.

8.—(1) When a certificate is withdrawn by reason of any resolution carried under this Act, a claim upon the appropriate fund to an amount not exceeding the declared value shall thereupon arise, provided that no such claim shall be enforceable against the Central Board except in respect of funds in the possession of and sums due to the Central Board at the time when the claim arises and sums due to the Central Board before the expiration of the year in which such certificate is withdrawn, and where the certificate has been withdrawn in pursuance of a disinterested management resolution, in respect also of sums received by or due to the Central Board under the provisions of subsection (5) of section three of this Act.

(2) When either of the funds of the Central Board is insufficient to meet the claims of members of associations in any particular year, the appropriate fund shall be divided among such members in proportion to the declared value of the certificates.

9.—(1) Where in any year the respective amounts paid by the Central Board are insufficient to pay in full the respective claims arising in that year of "on" or "off" licence holders, a claim shall thereupon be enforceable against an association by any member thereof whose claim against the Central Board in respect of a certificate insured by such association has not been paid in full, and the directors of an association shall impose upon the on-licence holders or off-licence holders (as the case may require) who are members of the association a levy not exceeding one and a half per centum of the declared value of each certificate.

(2) If the proceeds of the levy are insufficient to pay in full the claims in respect of which it was made, the unpaid balance of the

(18)

claims shall be carried forward for the two following years, and in each of these years, if necessary, the like levy shall be made and the proceeds thereof shall be applied to the payment of all outstanding claims, and to no other purpose.

(3) After the distribution in the third year all claims against an association in respect of a certificate which has been withdrawn shall be deemed to have been discharged.

10. The holder of a certificate who has paid the premium payable in respect of the insurance of the certificate or a levy under section eight of this Schedule shall be entitled to deduct from the interest on any loan advanced to him under any agreement, undertaking, or covenant binding him to obtain a supply of exciseable liquor from the lender a sum bearing such proportion to the said premium or levy as the loan bears to the declared value of the said certificate: Provided, that the lender shall have a right to any sums receivable under this Schedule, proportionate to the premium or levy paid by him, and in default of agreement the amount of premium or levy to be deducted or the sum due to the lender shall be determined by the sheriff.

11. All sums due by an authorised public company under the provisions of subsection (5) of section three of this Act shall be paid to the Central Board, and shall be applied by the Central Board towards the payment of the claims of the licence holders in respect of the withdrawal of whose certificates such sums are payable.

12. The clerk of a licensing court shall, on request, in writing, furnish to the Central Board or to an association or before the constitution of the Central Board to the secretary of the Licensed Trade Defence Association of Scotland a list of all the persons who have obtained certificates for the sale by retail of exciseable liquor in the district within the jurisdiction of the licensing court for the current year, in conformity with the conditions set out in section twenty-five of the Licensing (Scotland) Act, 1903, which shall apply with the necessary modifications.

13. In this Schedule, unless the context otherwise requires,—

The expression "on licence" means a licence for the sale of any exciseable liquor for consumption on the premises:

The expression "off licence" means a licence for the sale of any exciseable liquor not to be consumed on the premises.

The Commons disagree to these Amendments:

Because they consider it is undesirable to set up a compulsory scheme of insurance, the provisions of which are unsatisfactory in themselves, and inappropriate to this Bill.

Lords Amendment.

Clause 6, page 6, line 18, leave out from (“ until ”) to (“ it ”) in line 19 and insert (“ the earliest date when resolutions under “ the provisions of this Act can come into operation ”)

The Commons disagree to this Amendment :

Because they consider it desirable that the limitation on the power of a licensing court to order structural alterations of licensed premises should cease on a specified date not too long delayed.

Lords Amendment.

Clause 15, page 10, line 13, leave out from (“ burgh ”) to (“ and ”) in line 18 and insert (“ which is not divided into wards, “ or of a burgh the population of which within the police “ boundaries thereof according to the census for the time being “ last taken is less than twenty-five thousand, the whole burgh “ and in the case of any other burgh, any ward or combination of “ wards or parts of wards, proposed by the town council and “ approved by the Secretary for Scotland, of which the population “ shall not be less than twelve thousand ”)

The Commons propose to amend this Amendment by leaving out from (“ ward ”) to the end of the paragraph and inserting (“ thereof ”)

Temperance (Scotland) Bill.

ON CONSIDERATION OF THE COMMONS REASONS FOR
DISAGREEING WITH CERTAIN OF THE LORDS AMENDMENTS

BY

THE LORD BALFOUR.

To move that this House does not insist upon subsection (5) or subsection (11) being part of the amendment inserted by this House at clause 3, page 3, line 25 of the Bill, but proposes instead thereof the following new subsections (5) and (11):

(5) For the period during which a disinterested management resolution remains in force in any area, no certificate shall be granted therein for a public house (not being an inn and hotel or not being premises structurally adapted for use and to be used solely as a restaurant) except to an authorised public company: Provided that a certificate shall not be so granted unless the company has given such security, either by way of deposit or otherwise as the licensing court requires, for the payment by the company, by way of such instalments as may be determined by the licensing court to the Scottish Licence Holders Central Insurance Board established under this Act, of one-half of the total declared value of the certificates in the area, as insured in accordance with the Third Schedule to this Act, which have been withdrawn in pursuance of the disinterested management resolution; or where applications for certificates within the area are entertained from more than one authorised public company, security for the payment of such proportion of half the total declared value aforesaid as may be determined by the licensing court. The liability imposed upon any authorised public company in pursuance of the foregoing provision shall cease and determine if and when the certificates granted to the authorised public company are withdrawn in consequence of the disinterested management resolution, in pursuance of which the liability was imposed, having ceased to be in force.

(11) Unless within three months after a disinterested management resolution is carried an authorised public company has made an application in writing to the licensing court of the area

(208 a)

stating that the company is desirous of carrying on business in the area in accordance with the provisions of this section, and has satisfied the licensing court that the company is able and willing to undertake the liability for payments to the Scottish Licence Holders Central Insurance Board imposed by this section, the disinterested management resolution and the poll at which the resolution was carried shall be void and in such case if a requisition is made under this Act another poll may be taken in the month of November or December next following or at an earlier date if the local authority by resolution so determine.

And to move the following Amendment in the Bill consequential upon new subsection (11) :

Clause 5, page 5, line 11, after (" competent ") insert (" or " where a poll has become void under the provisions of this Act ")

To move that this House does not insist upon the amendment inserted by this House to clause 3, page 3, lines 27 and 28, *i.e.*, the amendment by which the following words were inserted :

" or, except where the grant of a certificate is refused to an authorised public company, in pursuance of a disinterested management resolution "

To move that this House does not insist upon the amendment inserted by this House in the Second Schedule, page 12, after line 15, but proposes instead thereof the following amendment :

DISINTERESTED MANAGEMENT RESOLUTION
(means that certificates for public houses, not being inns and hotels or premises to be used solely as restaurants, shall only be granted to an authorised public company, and that the surplus profits of such company, after the payment of specified charges, are to be paid to a fund for use for public purposes throughout Scotland in accordance with the provisions of the Act).

Temperance (Scotland) Bill.

A M E N D M E N T

T O B E M O V E D

B Y

T H E E A R L O F C A M P E R D O W N

**O N C O N S I D E R A T I O N O F A N A M E N D M E N T P R O P O S E D B Y T H E
C O M M O N S T O O N E O F T H E L O R D S A M E N D M E N T S.**

To move that this House does not insist upon the words which the Commons propose to leave out of the amendment inserted by this House at clause 15, page 10, line 13 of the Bill, but proposes to add to the amendment as proposed to be amended by the Commons the following words :

(“ unless the Secretary for Scotland after an application in that
“ behalf made by the town council makes a regulation (which it
“ is hereby declared he shall have power to make) constituting
“ any combination of wards or parts of wards of such burgh an
“ area for the purposes of this Act ”)

(208 b)

Temperance (Scotland) Bill.

A M E N D M E N T

TO BE MOVED

BY

THE EARL OF CAMPERDOWN

ON CONSIDERATION OF AN AMENDMENT
PROPOSED BY THE COMMONS TO ONE
OF THE LORDS AMENDMENTS.

14th February 1913.

L O N D O N :

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(208 b)

Temperance (Scotland) Bill.

A M E N D M E N T S

T O B E M O V E D

B Y

T H E M A R Q U E S S O F S A L I S B U R Y

O N C O N S I D E R A T I O N O F T H E C O M M O N S R E A S O N S F O R D I S A G R E E I N G W I T H C E R T A I N O F T H E L O R D S A M E N D M E N T S

To move that this House does not insist upon paragraph (*d*) of subsection (7) being part of the amendment inserted by this House at clause 3, page 3, line 25 of the Bill but proposes instead thereof the following new paragraph :

(*d*) that no person who carries on or is in partnership with any person for the purpose of carrying on the business of a brewer, malster, distiller, or dealer in, or retailer of exciseable liquors or who is a director of or holds a controlling interest in any company or body corporate other than an authorised public company within the meaning of this Act shall be eligible to be a member or director or shareholder of an authorised public company, and every person who shall knowingly or wilfully offend against any of the provisions aforesaid shall forfeit and pay the sum of fifty pounds, to be recovered before the sheriff within six calendar months next after the offence has been committed; and

To move that this House does not insist upon clause 6 of the new Schedule inserted by this House after the Second Schedule to the Bill, but proposes instead thereof the following new clause:

6.—(1) The Central Board shall within twelve months after the passing of this Act, and from time to time thereafter if occasion arises, may make rules prescribing amongst other things—

- (1) The conditions on which the declared value of certificates may be ascertained, approved, modified or re-adjusted, and the method of verification of declared value if a certificate is withdrawn;

(208 *c*)

- (2) The manner of subsequent election and the number of members of the Board, which shall not exceed twenty-one, the quorum, the duration of their office and the basis of representation : Provided that at least nine members shall be elected in the same proportions and in the same manner as in the Central Board first constituted, and in addition, each association may elect one member to the Central Board for every one thousand certificates insured with such association ;
- (3) The furnishing of receipts by secretaries of associations for premiums or levies ;
- (4) The mode in which claims and payments in respect of claims are to be made ;
- (5) Any matters incidental to the proper conduct of the affairs of the Board and to carrying out the provisions of this Act ;

Provided always that no such rule shall contain anything inconsistent with the provisions of this Act.

(2) Before any rule is made under this section a draft thereof shall be laid before both Houses of Parliament during the session of Parliament, and if either House during the next succeeding thirty days on which that House has sat passes a resolution against the draft or any part thereof no further proceedings shall be taken thereon without prejudice to the making of any fresh draft.

To move that this House does not insist upon clause 10 of the new schedule inserted by this House after the Second Schedule to the Bill.

Trade Unions (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Amendment of law as to objects and powers of trade unions.
2. Definition of trade union.
3. Restriction on application of funds for certain political purposes.
4. Provision for ballot.
5. Notice of unwillingness to contribute towards political objects.
6. Mode of giving effect to exemption from contributions to political fund.
7. Definition of Registrar of Friendly Societies.
8. Short title and construction.

SCHEDULE.



A

B I L L

INTITLED

An Act to amend the Law with respect to the objects and powers of Trade Unions. A.D. 1913.

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:—

5 **1.**—(1) The fact that a combination has under its constitution objects or powers other than statutory objects within the meaning of this Act shall not prevent the combination being a trade union for the purposes of the Trade Union Acts, 1871 to 1906, so long as the combination is a trade union as defined by 10 this Act, and, subject to the provisions of this Act as to the furtherance of political objects, any such trade union shall have power to apply the funds of the union for any lawful objects or purposes for the time being authorised under its constitution. Amendment
of law as to
objects and
powers of
trade unions.
34 & 35 Viet.
c. 31.
6 Edw. 7.
c. 47.

15 (2) For the purposes of this Act the expression “statutory objects” means the objects mentioned in section sixteen of the Trade Union Act Amendment Act, 1876, namely, the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or 20 business, and also the provision of benefits to members. 39 & 40 Viet.
c. 22.

25 **2.**—(1) The expression “trade union” for the purpose of the Trade Union Acts, 1871 to 1906, and this Act, means any combination, whether temporary or permanent, the principal objects of which are under its constitution statutory objects: Provided that any combination which is for the time being registered as a trade union shall be deemed to be a trade

A.D. 1913. union as defined by this Act so long as it continues to be so registered.

(2) The Registrar of Friendly Societies shall not register any combination as a trade union unless in his opinion, having regard to the constitution of the combination, the principal 5 objects of the combination are statutory objects, and may withdraw the certificate of registration of any such registered trade union if the constitution of the union has been altered in such a manner that, in his opinion, the principal objects of the union are no longer statutory objects, or if in his opinion the principal 10 objects for which the union is actually carried on are not statutory objects.

(3) Any unregistered trade union may, if they think fit, at any time without registering the union apply to the Registrar of Friendly Societies for a certificate that the union is a trade 15 union within the meaning of this Act, and the Registrar, if satisfied, having regard to the constitution of the union and the mode in which the union is being carried on, that the principal objects of the union are statutory objects, and that the union is actually carried on for those objects, shall grant such a 20 certificate, but the Registrar may, on an application made by any person to him for the purpose, withdraw any such certificate if satisfied, after giving the union an opportunity of being heard, that the certificate is no longer justified.

(4) Any person aggrieved by any refusal of the Registrar to 25 register a combination as a trade union, or to give a certificate that an unregistered trade union is a trade union within the meaning of this Act, or by the withdrawal under this section of a certificate of registration, or of a certificate that an unregistered union is a trade union within the meaning of this Act, may appeal 30 to the High Court, or in Scotland to the Court of Session, within the time and in the manner and on the conditions directed by rules of court.

(5) A certificate of the Registrar that a trade union is a trade union within the meaning of this Act shall, so long as 35 it is in force, be conclusive for all purposes.

Restriction
on applica-
tion of funds
for certain
political
purposes.

3.—(1) The funds of a trade union shall not be applied, either directly or in conjunction with any other trade union, association, or body, or otherwise indirectly, in the furtherance of the political objects to which this section applies (without 40 prejudice to the furtherance of any other political objects), unless the furtherance of those objects has been approved as

an object of the union by a resolution for the time being in force passed on a ballot of the members of the union taken in accordance with this Act for the purpose by a majority of the members voting; and where such a resolution is in force, unless
 5 rules, to be approved, whether the union is registered or not, by the Registrar of Friendly Societies, are in force providing—

A.D. 1913.

(a) That any payments in the furtherance of those objects are to be made out of a separate fund (in this Act referred to as the political fund of the union), and
 10 for the exemption in accordance with this Act of any member of the union from any obligation to contribute to such a fund if he gives notice in accordance with this Act that he objects to contribute; and

(b) That a member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with
 15 other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt, and that contribution to the political fund of the union shall not be made a condition for admission to the union.

(2) If any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this section, he may complain to the Registrar of Friendly Societies, and the Registrar of Friendly Societies, after giving the complainant and any representative of the union an opportunity
 20 of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just under the circumstances; and any such order of the Registrar shall be binding and conclusive on all parties without appeal and shall not be removable into any court of
 25 law or restrainable by injunction, and on being recorded in the county court, may be enforced as if it had been an order of the county court.

(3) The political objects to which this section applies are the expenditure of money—

(a) on the payment of any expenses incurred either directly
 40 or indirectly by a candidate or prospective candidate

A.D. 1913.

for election to Parliament or to any public office, before, during, or after the election in connexion with his candidature or election; or

- (b) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (c) on the maintenance of any person who is a member of Parliament or who holds a public office; or
- (d) in connection with the registration of electors or the selection of a candidate for Parliament or any public office; or
- (e) on the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind, unless the main purpose of the meetings or of the distribution of the literature or documents is the furtherance of statutory objects within the meaning of this Act; or
- (f) on the publication or circulation of any newspaper having any political purpose.

The expression "public office" in this section means the office of member of any county, county borough, district, or parish council, or board of guardians, or of any public body who have power to raise money, either directly or indirectly, by means of a rate.

(4) A resolution under this section approving political objects as an object of the union shall take effect as if it were a rule of the union and may be rescinded in the same manner and subject to the same provisions as such a rule.

(5) The provisions of this Act as to the application of the funds of a union for political purposes shall apply to a union which is in whole or in part an association or combination of other unions as if the individual members of the component unions were the members of that union and not the unions; but nothing in this Act shall prevent any such component union from collecting from any of their members who are not exempt on behalf of the association or combination any contributions to the political fund of the association or combination.

Approval of rules.

4. A ballot for the purposes of this Act shall be taken in accordance with rules of the union to be approved for the purpose, whether the union is registered or not, by the Registrar of Friendly Societies, but the Registrar shall not approve any such rules unless he is satisfied that

every member has an equal right and, if reasonably possible, a fair opportunity of voting, and that the secrecy of the ballot is properly secured. A.D. 1913.

5 **5.**—(1) A member of a trade union may at any time give notice, in the form set out in the schedule to this Act or in a form to the like effect, that he objects to contribute to the political fund of the union, and on the adoption of a resolution of the union approving the furtherance of political objects as an object of the union notice shall be given to the members of
10 the union acquainting them that each member has a right to be exempt from contributing to the political fund of the union, and that a form of exemption notice can be obtained by or on behalf of a member either by application at or by post from the head office or any branch office of the union or the office
15 of the Registrar of Friendly Societies.

Any such notice to members of the union shall be given in accordance with rules of the union approved for the purpose by the Registrar of Friendly Societies, having regard in each case to the existing practice and to the character of the union.

20 (2) On giving notice in accordance with this Act of his objection to contribute, a member of the union shall be exempt, so long as his notice is not withdrawn, from contributing to the political fund of the union as from the first day of January next after the notice is given, or, in the case of a
25 notice given within one month after the notice given to members under this section on the adoption of a resolution approving the furtherance of political objects, as from the date on which the member's notice is given.

30 **6.** Effect may be given to the exemption of members to contribute to the political fund of a union either by a separate levy of contributions to that fund from the members of the union who are not exempt, and in that case the rules shall provide that no moneys of the union other than the amount raised by such separate levy shall be carried to that fund, or by
35 relieving any members who are exempt from the payment of the whole or any part of any periodical contributions required from the members of the union towards the expenses of the union, and in that case the rules shall provide that the relief shall be given as far as possible to all members who are
40 exempt on the occasion of the same periodical payment.

Notice of unwillingness to contribute towards political objects.

Mode of giving effect to exemption from contributions to political fund

A.D. 1913.
Definition of
Registrar of
Friendly
Societies.

7. The Registrar of Friendly Societies means in relation to a registered trade union whose registered office, or an unregistered trade union whose principal office, is situated in England or Wales, the Chief Registrar of Friendly Societies, and in relation to a registered trade union whose registered office, or an unregistered trade union whose principal office, is situated in Scotland or Ireland, the Assistant Registrar of Friendly Societies for Scotland or Ireland respectively. 5

Short title
and con-
struction.

8. This Act may be cited as the Trade Union Act, 1913, and shall be construed as one with the Trade Union Acts, 1871 and 1876; and this Act and the Trade Union Acts, 1871 to 1906, may be cited together as the Trade Union Acts, 1871 to 1913. 10

SCHEDULE.

FORM OF EXEMPTION NOTICE.

15

Name of Trade Union

POLITICAL FUND (EXEMPTION NOTICE).

I hereby give notice that I object to contribute to the Political Fund of the Union, and am in consequence exempt, in manner provided by the Trade Union Act, 1913, from contributing to that fund. 20

A.B.

Address

day of 19

Trade Unions (No. 2) Bill.

A M E N D M E N T S

TO BE MOVED ON REPORT.

BY THE LORD DUNMORE (*E. Dunmore*).

Clause 3, page 4, line 18, after (“ newspaper ”) insert (“ or
“ periodical ”)

line 19, after (“ purpose ”) insert (“ unless
“ the main purpose of the newspaper or periodical is the
“ furtherance of statutory objects within the meaning of this
“ Act ”)

Clause 6, page 5, line 38, after (“ that ”) insert (“ notice in
“ writing shall be given to each member of the union showing
“ separately the amount of any periodical contribution which is
“ required from him for the expenses of the union and the amount
“ (if any) which is required from him for the political fund of the
“ union, and that ”)

Schedule, page 6, line 23, leave out (“ address ”)

BY THE LORD CHANCELLOR.

Clause 4, page 5, line 3, after (“ secured ”) insert as a new subsection :

“ (2) If the Registrar of Friendly Societies is satisfied, and certifies, that rules for the purpose of a ballot under this Act or rules made for other purposes of this Act which require approval by the Registrar, have been approved by a majority of members of a trade union, whether registered or not, voting for the purpose, or by a majority of delegates of such a trade union voting at a meeting called for the purpose, those rules shall have effect as rules of the union, notwithstanding that the provisions of the rules of the union as to the alteration of rules or the making of new rules have not been complied with.”

Clause 6, page 5, line 40, after (“ payment ”) insert (“ and for
“ enabling members of the union to know as respects any such
“ periodical contribution whether or not it is intended in whole or
“ in part as a contribution to the political fund of the union ”)

BY THE LORD BALFOUR.

Clause 6, page 5, line 40, after (" payment ") insert (" and that
" such relief shall be proportionate to the expenditure by the Union
" on political objects ")

**Trade Unions (No. 2)
Bill.**

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD DUNMORE (*E. Dunmore*),

THE LORD CHANCELLOR

AND

THE LORD BALFOUR.

18th February 1913.

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(223 a)

Trade Unions (No. 2) Bill.

COMMONS REASON FOR DISAGREEING TO ONE OF THE
LORDS AMENDMENTS.

[NOTE.—*The references are to Bill (199) as first printed for
the House of Lords.*]

Lords Amendment.

Clause 3, page 4, line 17, after (“ Act ”) insert (“ or (*f*) on
“ the publication or circulation of any newspaper or periodical
“ having any political purpose, unless the main purpose of the
“ newspaper or periodical is the furtherance of statutory objects
“ within the meaning of this Act ”)

The Commons disagree to this amendment :

*Because they consider that the amendment would
involve an undue limitation of the powers of Trade Unions.*

Trade Unions (No. 2) Bill.

COMMONS REASON FOR
DISAGREEING TO ONE OF THE LORDS
AMENDMENTS.

Ordered to be printed 7th March 1913.

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(225)

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bingley Urban District Council Tramway Dewsbury Corporation Tramways Portsmouth Corporation Tramways and West Hartlepool Corporation Tramways. A.D. 1912.

WHEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 78.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

Be it therefore 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:—

1. This Act may be cited as the Tramways Orders Confirmation Act 1912. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

A.D. 1912.

SCHEDULE.LIST OF ORDERS.

- BINGLEY URBAN DISTRICT COUNCIL TRAMWAY.—Order authorising the Urban District Council of the Urban District of Bingley to construct a tramway in their district. 5
- DEWSBURY CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Dewsbury to construct an additional tramway in their borough.
- PORTSMOUTH CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Portsmouth to construct additional tramways in the said borough and for other purposes. 10
- WEST HARTLEPOOL CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of West Hartlepool to construct tramways in their borough. 15

BINGLEY URBAN DISTRICT COUNCIL.

A.D. 1912.

Order authorising the Urban District Council of the Urban District of Bingley to construct a Tramway in their District.

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Preliminary.

- 5 1. This Order may be cited as the Bingley Urban District Council Short title.
Tramway Order 1912.
2. The provisions of the Lands Clauses Acts (except with respect to Incorporation
the purchase and taking of lands otherwise than by agreement and with of Acts.
respect to the entry upon lands by the Promoters of the undertaking)
- 10 and of the Tramways Act 1870 are hereby incorporated with this Order
except where the same are inconsistent with or expressly varied by this
Order.
3. The several words terms and expressions to which by the Acts Interpretation.
in whole or in part incorporated with this Order meanings are assigned
- 15 have in this Order the same respective meanings :
- Provided that in this Order—
- The expression "the district" means the urban district of
 Bingley in the West Riding of the county of York ;
- The expression "the council" means the council of the district ;
- 20 The expression "the tramway" means the tramway and works
 by this Order authorised or (as the case may be) any part
 thereof ;
- The expression "the undertaking" means the undertaking by
 this Order authorised ;
- 25 The expression "mechanical power" includes steam electrical
 and every other motive power not being animal power and
 the word "engine" includes motor.
4. The council shall be the Promoters for the purposes of this Promoters.
Order and are in this Order referred to as "the Promoters."
- 30 5. The Promoters may— Lands.
- (A) Subject to the sanction of the Local Government Board and
 under such conditions as they may prescribe from time
 to time appropriate and use for any of the purposes of
 this Order but subject to the provisions (if any) under
35 which such lands were respectively acquired any lands
 not dedicated to public use from time to time vested in
 them :
- (B) By agreement from time to time purchase and acquire for
 the purposes of the undertaking such lands as they may
40 require and may from time to time sell let or dispose of

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any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board :

Provided that they shall not at any time hold for such purposes more than five acres of land Provided also that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

*Construction of Tramway.*Construction
of tramway.

6. The Promoters may subject to the provisions of this Order—

(A) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramway hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof :

(B) Erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking :

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramway authorised by this Order will be wholly situate within the district and is as follows (that is to say):—

A tramway 3 miles 1 furlong 9·23 chains or thereabouts in length (whereof 1 mile 4 furlongs 0·22 chain will be laid as double line and 1 mile 5 furlongs 9·01 chains as single line) wholly in the parish of Bingley commencing in the Bradford and Keighley Road at the boundary between the district and the rural district of Keighley and passing thence along the said

road and Main Street and terminating in the first-mentioned road at the boundary between the district and the urban district of Shipley by a junction with the existing tramway of the Shipley Urban District Council leased to and worked by the Bradford Corporation :

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5 Provided that no such junction shall be made without the consent in writing (which shall not be unreasonably withheld) of that council and any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a person nominated by the Board of Trade :

10 Provided also that so much of the tramway as is laid between points respectively 2 furlongs 2 chains and 2 furlongs 6 chains measured along the line of the tramway as shown on the deposited plans from the commencement thereof shall not be opened for public traffic unless or until the curve of the Bradford and Keighley Road at Ryshworth Hall Corner shall have been altered so that the radius thereof shall be at least 100 feet and that so much of the tramway as is laid in the portion of Main Street between Ann Street and Chapel Lane shall not be opened for public traffic unless or until that portion of street shall have been widened to a width of at least 40 feet and that so much of the tramway as is laid on Cottingley Bridge shall not be opened for public traffic unless or until the said bridge shall have been widened so as to provide a carriageway thereon of a width of at least 33 feet and a footpath on one side thereof of a width of at least 5 feet and a kerb on the other side thereof of a width of at least 1 foot and unless or until the approaches on either side of the said bridge between points respectively 2 miles 1 furlong 8 chains and 2 miles 3 furlongs 1 chain measured as aforesaid shall have been widened to a width of at least 39 feet (inclusive of footpath and kerb) :

Provided further that the position of the line in the road on Cottingley Bridge shall be such as the Board of Trade may approve.

The whole of the tramway will be laid as a single line except at the following places where it will be a double line (that is to say) :—

35 In Bradford and Keighley Road—

- (A) Between points respectively 45 yards and 133 yards measured in a south-easterly direction from the boundary stone between the district and the Keighley Rural District ;
- (B) Between points respectively 39 yards measured in a north-westerly direction and 49 yards measured in a south-easterly direction from the centre of Morton Lane ;

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- (c) Between points respectively 55 yards measured in a north-westerly direction and 33 yards measured in a southerly direction from the north-eastern corner of Ryshworth Hall farm buildings ;
- (D) Between points respectively 13 yards measured in a northerly 5 direction and 87 yards measured in a southerly direction from the milestone denoting Bingley 1 mile and 7 miles Bradford ;
- (E) Between points respectively 61 yards measured in a northerly direction and 27 yards measured in a southerly direction 10 from the centre of the entrance gates to Longwood ;
- (F) Between points respectively 93 yards measured in a northerly direction and 6 yards measured in a southerly direction from the old boundary stone dividing the old urban district of Bingley from the old urban district of Bingley 15 Outer ;
- (g) Between points respectively 61 yards measured in a north-westerly direction and 47 yards measured in a south-easterly direction from the boundary wall of the Bingley Cemetery land near the Auction Mart. 20

In Bradford and Keighley Road and Main Street—

- (H) Between points respectively 42 yards measured in a southerly direction from the centre of the entrance gates to the Bingley Vicarage and 9 yards measured in a northerly direction from the centre of Leonard Street : 25

Provided that between points respectively 7 yards to the south of the centre line of Leonard's Place and 35 yards to the south of the said centre line the tramway shall be laid as a single line and not as a double line unless and until the roadway between the said points is widened so as to leave a space of at least nine feet six inches 30 between the nearest rail of the tramway and the outside of the footpath or other road limit on either side of the road.

In Bradford and Keighley Road—

- (I) Between points respectively 85 yards measured in a north-westerly direction and 13 yards measured in a southerly 35 direction from the south-eastern corner of the Trinity Vicarage Lodge buildings ;
- (J) Between points respectively 8 yards and 96 yards measured in a southerly direction from the centre of Wagon Lane ;
- (K) Between points respectively 13 yards measured in a northerly 40 direction and 75 yards measured in a southerly direction from the southern corner of the eastern parapet wall of Cottingley Bridge ;

[2 & 3 GEO. 5.] *Tramways Provisional Orders.* 7

- (L) Between points respectively 6 yards measured in a north-westerly direction and 88 yards measured in a south-easterly direction from the centre of the water-trough on the south-western side of the road ;
- 5 (M) Between points respectively 77 yards measured in a north-westerly direction and 11 yards measured in a south-easterly direction from the first fence wall on the south-western side of the road to the south-east of the milestone denoting Bingley 1 mile and Bradford 5 miles ;
- 10 (N) Between points respectively 69 yards measured in a north-westerly direction and 25 yards measured in a south-easterly direction from the Ordnance bench-mark on the northern boundary wall of the Bradford and Keighley Road near its junction with Cottingley Road ;
- 15 (O) Between points respectively 68 yards measured in a westerly direction and 42 yards measured in an easterly direction from the western boundary wall of the grounds belonging to Bankfield Bingley ;
- 20 (P) Between points respectively 56 yards measured in a westerly direction and 32 yards measured in an easterly direction from the hedge forming the fence between the fields on the southern side of the road opposite Bankfield ;
- 25 (Q) Between points respectively 34 yards and 122 yards measured in a westerly direction from the boundary stone dividing the district from the urban district of Shipley.

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7.—(1) The costs charges and expenses of and incidental to the carrying out of the widenings and alterations of roads and bridge referred to in the section of this Order of which the marginal note is "Construction of Tramway" shall be borne by the Promoters and the County Council of the West Riding of Yorkshire in the following respective proportions (that is to say) :—

As to cost of
widenings &c.

Widening or Alteration.	Proportion of Cost to be borne by County Council.	Proportion of Cost to be borne by Promoters.
35 Alteration of Bradford and Keighley Road at Ryshworth Hall Corner.	Two-thirds	One-third
Widening of Main Street between Ann Street and Chapel Lane up to forty feet.	One-fourth	Three-fourths
Widening of Cottingley Bridge - - -	One-half	One-half

40 (2) If any question shall arise between the Promoters and the said County Council as to the amount of any such costs charges and expenses

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Gauge of
tramway.

8. The tramway shall be constructed on a gauge of four feet but carriages and trucks adapted for use on railways shall not be run on the tramway. Provided always that the carriages used on the tramway shall not exceed 6 feet 6 inches in width or such other width as may be approved by the Board of Trade.

Provisions as to construction of tramway.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down and renewing the tramway and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down and renewal of the tramway or any part thereof until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by the said section.

Rails of tramway.

10. The rails of the tramway shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and roads.

11.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramway is situate or by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if the officer reports that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

[2 & 3 GEO. 5.] *Tramways Provisional Orders.*

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12. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the tramway is laid or authorised to be laid the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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Tramway to
be kept on
level of sur-
face of road.

13. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one line of tramway with the other and by means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Crossovers
to be con-
structed in
certain cases.

14.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such crossovers passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramway or for providing access to any warehouses stables or carriage-houses or works of the Promoters.

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

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on the tramway and may with the like consent at any time alter the position in the road of the tramway or any part thereof Provided that the uppermost surface thereof shall be on a level with the surface of the road.

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

(4) In places where the Promoters may not be the road authority the construction of any works under this section shall be subject to the approval of that authority.

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Temporary
tramways
may be made
when neces-
sary.

15. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which the tramway is laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of the tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part thereof so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make. 5 10

Shelters or
waiting-
rooms.

16. The Promoters may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the road authority use for that purpose portions of the public streets or roads:

Provided that notwithstanding anything in this section contained no shelters or waiting-rooms shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of the Midland Railway Company Any difference arising between the Council and the Midland Railway Company to be determined by an arbitrator to be agreed upon by both parties or failing such agreement to be appointed by the Board of Trade: 15 20

Provided also that no such shelters or waiting-rooms shall be erected on any part of a main road within the meaning of the Local Government Act 1888 except with the consent of the County Council of the West Riding of Yorkshire. 25

Application
of road
materials
excavated
in construc-
tion of works.

17. Any paving metalling or material excavated by the Promoters in the construction of the tramway from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit. 30

Tramway not
to be opened
until certified
by Board of
Trade.

18. The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

For protec-
tion of Mid-
land Railway
Company.

19. For the protection of the Midland Railway Company in this section called the "railway company" the following provisions shall unless otherwise agreed apply and have effect:— 35

- (1) So much of the tramway authorised by this Act as will pass over the bridge carrying the Bradford and Keighley Road over the railway of the railway company shall be so constructed and maintained as not injuriously to affect the structure of the said bridge or the approaches piers and abutments thereof respectively: 40

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- 5 (2) All works which may be necessary in constructing and main-
taining the tramway or working the same by mechanical
power over the said bridge railway works or property of the
railway company shall be constructed and maintained in all
things at the expense of the Promoters and to the reasonable
satisfaction of the principal engineer of the railway company
(in this section called "the engineer") in such manner and
according to plans and sections and specifications to be
previously submitted to and reasonably approved by him :
- 10 (3) In the event of any injury being caused to the said bridge or
the abutments thereof by the construction maintenance user
or removal of the said tramway or the works in connexion
therewith the railway company may make good the injury
and may recover from the Promoters the reasonable expenses
15 of so doing :
- (4) If the railway company shall in the exercise of their existing
powers require to widen lengthen strengthen reconstruct
alter or repair the said bridge or to widen or alter their
20 railway and it shall be necessary for effecting any of such
purposes that the working or user of the tramway over the
bridge should be wholly or partially temporarily stopped or
delayed or that the said tramway should be temporarily
diverted or wholly or in part temporarily taken up or
removed and shall except in cases of emergency (when they
25 shall give the longest notice practicable) give to the
Promoters one month's notice in writing requiring such
stoppage delay diversion taking up or removal the working
or user of the tramway shall be stopped or delayed or the
tramway shall be diverted or taken up or removed accord-
30 ingly at the reasonable expense of the Promoters and under
the superintendence of their engineer (if such engineer shall
give such superintendence) but only for so long as may be
absolutely necessary for effecting any such purpose as
aforesaid and without the railway company being liable for
35 any compensation in respect of such stoppage or delay or
in any way relating thereto :
- (5) The Promoters shall pay to the railway company any
reasonable additional expense which they may incur in
effecting any such widening lengthening altering or
40 repairing of the said bridge as is mentioned in the last
preceding subsection or in the maintenance of the said
bridge by reason of the existence of the tramway or any of
the works connected therewith :

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- (6) If having regard to the proposed position of the works of the Promoters by this Order authorised when considered in relation to the position of the works of the railway company at any point where the tramway will be constructed over the railway of the railway company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the railway company should be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Promoters : 5 10
- (7) The Promoters shall bear and on demand pay to the railway company the expense of lighting and watching the works of the Promoters during the execution or repair by the Promoters under this Order of any work affecting the said railway for preventing all interference obstruction danger or accident from any of the operations or from the acts or defaults of the Promoters or their contractors or any person in the employment of the Promoters or of their contractors with reference thereto : 15 20
- (8) The Promoters shall be responsible for and make good to the railway company all losses damages and expenses which may be occasioned to the railway company or any of their works or property or to the traffic on their said railway or to any company or person using the same by or by reason of the execution or failure of any of the intended works or apparatus or by or by reason of any act default or omission of the Promoters or of any person in their employ or of any contractors for the intended works or any part thereof and the Promoters shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission : 25 30 35
- (9) The Promoters shall not for the purpose of electric traction make attachments to any part of the said bridge without the consent in writing of the engineer of the railway company such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connexion with the maintenance and reconstruction or alteration of the said bridge : 40

5 (10) Any matter in difference that may arise between the railway company and the Promoters under this section shall unless otherwise agreed be determined by an engineer to be agreed upon by the Promoters and the railway company or failing agreement to be appointed by the President of the Institution of Civil Engineers at the request of either party.

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10 20. The following provisions for the protection of the County Council of the West Riding of Yorkshire (in this section called "the County Council") shall unless otherwise agreed in writing apply and have effect with respect to the construction of the tramway (that is to say):—

For protec-
tion of West
Riding
County
Council.

15 (1) The Promoters shall in the execution of the widenings and alterations of roads and bridge by this Order required to be made form with proper foundations and pave or macadamise and otherwise make up the added portions and make proper provision for the drainage and fencing of and otherwise complete the said widenings and alterations to the reasonable satisfaction of the County Council and in conformity with plans sections and specifications to be approved by the County Council Provided that if the County Council do not within twenty-eight days after receipt by them of such plans sections and specifications signify their approval or disapproval thereof or give their directions in relation thereto they shall be deemed to have approved thereof and that any difference between the County Council and the Promoters with respect to such plans sections and specifications shall be determined by arbitration as herein-after provided :

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30 (2) The Promoters shall pave the portion of road referred to in Section 28 of the Tramways Act 1870 with such granite or other sett paving material as may be reasonably approved by the surveyor of the County Council :

35 (3) The tramway shall be constructed in such a position in the road as to leave not less than four feet six inches between any building wall or fence and the nearest rail and not less than two feet six inches between the kerb of any footpath and such rail :

40 (4) (A) Where any margin of the carriageway less than eight feet in width exists at either side of the tramway track between the edge of such tramway track and the kerb of the footpath or the fence or boundary as the case may be of the said road and the Promoters pave such margin or margins the cost of such paving shall be borne in equal shares by the Promoters and the County Council ;

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- (B) The County Council may at any time within three years after the completion of the tramway require by written notice that such paving shall be executed by the Promoters within such reasonable time as may be specified in the notice and the cost thereof shall be borne as in this sub-section before provided; 5
- (c) The said portions of the road so paved as aforesaid shall thereafter be maintained by the authority for the time being liable for the maintenance of main roads in the district; 10
- (D) "Tramway track" means so much of the road whereon the tramway is laid as lies between the rails of the tramway and (where double lines are laid) the portion of the road between each tramway and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of the tramway: 15
- (5) The Promoters shall put down at their own cost at such places along the tramway as may be necessary suitable grids or drains and drain boxes to properly drain the track and prevent the accumulation of water thereon. 20
- (6) If in consequence of the construction existence or user of the tramway it becomes reasonably necessary within two years from the opening of the tramway for public traffic to raise strengthen or reconstruct with suitable foundations any portion of the said road whether metalled or unmetalled at the sides of the tramway or to adjust in level or otherwise any such portions of the said road or any footpath or other work or to strengthen any retaining wall such work shall forthwith be executed by and at the cost of the Promoters: 25
- (7) (A) Before commencing to construct the tramway on any bridge repairable by the County Council the Promoters shall deliver to the County Council a plan showing the proposed position thereof and a plan section and specification showing the proposed mode of construction. If the County Council have any objection to the construction of the tramway in accordance with such plan they shall give notice thereof in writing to the Promoters and any difference arising between them in regard thereto shall (subject to the right of the Board of Trade under this Order to approve the position of the line in the road on Cottingley Bridge) be determined as herein-after provided but if the County Council do not give such notice within fourteen days after receiving the said plan they shall be taken to have agreed thereto; 30 35 40

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- 5 (B) The Promoters shall not without the consent in writing of the County Council (which consent shall not be unreasonably withheld) execute in the construction of the tramway any works which interfere with or injuriously affect the structure of any such bridge. If with such consent as aforesaid the Promoters intend to execute such works they shall give notice in writing to the County Council of such intention and such notice shall be accompanied by a plan and specification showing the nature and extent of the intended works ;
- 10 (C) Any works under this section in so far as they interfere with or injuriously affect the structure of any such bridge shall if the County Council so require be executed by the County Council at the reasonable expense of the Promoters. The County Council shall give notice accompanied in each case by sufficient plans and specifications to the Promoters of their intention so to execute such works and shall commence execute and complete the same with all reasonable despatch. Provided that unless the County Council shall give the said notice to the Promoters within twenty-eight days after receiving from the Promoters the notice referred to in paragraph (b) of this subsection the Promoters may themselves subject to the terms of this section proceed to execute the works ;
- 15 (D) If in consequence of the existence or user of the tramway it becomes reasonably necessary that any such bridge should be strengthened the County Council shall give notice accompanied by sufficient plans and specifications of the intended works to the Promoters and may after twenty-eight days from the date of the notice (or forthwith in case of emergency) proceed with all due despatch to execute all such works as may be reasonably necessary and the County Council may recover from the Promoters all moneys reasonably expended by them in the execution thereof with full costs and charges in like manner as any simple contract debt of like amount may be recovered ;
- 20 (E) If the County Council shall find it necessary for the purpose of strengthening altering widening or rebuilding any such bridge that the working of the portion of the tramway over such bridge be wholly or in part stopped or delayed or that such portion of the tramway be wholly or in part taken up or removed and if the County Council accordingly give the Promoters twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or
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removal the working of such portion of the tramway shall be stopped or delayed or such portion of the tramway shall be taken up or removed as stated in such notice at the expense of the Promoters and under their superintendence if they shall give such superintendence but no such working 5 shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramway shall be restored with all possible despatch and in such case the County Council shall not be liable to pay compensation in respect of such stoppage 10 delay taking up or removal as aforesaid ;

- (f) The Promoters shall not without the consent in writing of the County Council (which consent shall not be unreasonably withheld) place erect or attach any post or other support for any wire or any feeder box on or to the structure of any 15 such bridge ;
- (g) Any works to be executed with the consent of the County Council affecting any such bridge shall be executed to the reasonable satisfaction of the County Council in conformity with such plans sections and specifications as may be 20 approved by them and which shall be submitted to them at least twenty-eight days before the commencement of such works If the County Council do not within the said twenty-eight days signify their approval or disapproval of the said 25 plans sections and specifications or their directions in relation thereto they shall be deemed to have approved thereof and any difference between the County Council and the Promoters with respect to such plans sections and specifications shall be determined by arbitration as hereinafter provided The Promoters shall pay the reasonable costs incurred by the 30 County Council in the superintendence of such works as aforesaid :
- (8) If any difference arises between the Promoters and the County Council under this section such difference shall be determined by arbitration by an arbitrator to be agreed upon or failing 35 agreement to be appointed by the Board of Trade on the application of either of the parties and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (9) The provisions of this section shall be in addition to and not 40 in derogation of any provisions of the Tramways Act 1870 and of this Order enuring for the benefit and protection of the County Council.

Motive Power.

A.D. 1912.

21. The carriages used on the tramway may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

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Urban
District
Council.*
Provisions as
to motive
power.

5. (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- 10 (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramway and for regulating the use of electrical power :
- 15 (3) The Promoters or any person using any mechanical power on the tramway contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- 20 (4) The Board of Trade if they are of opinion—
- (A) that the Promoters or such person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
- 25 (B) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public ;
- 30 may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall comply with every such order In every such case the Board of Trade shall make a special report to
- 35 Parliament notifying the making of such order.

22. For the purpose of working the tramway by mechanical power the Promoters and their lessees subject to the provisions of this Order (and as to the lessees subject to the terms of their lease) may—

- 40 (A) Construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for transforming electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences ;

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Council.*

- (B) Place construct erect lay down make and maintain on above or below the surface of any street or road within the district posts (but as regards any post on the carriageway not without the express approval of the Board of Trade and subject to such conditions as to removal as that Board may impose) brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings; 5
- (c) With the consent of the owners and occupiers of any houses or buildings within the district affix to such houses or buildings or maintain brackets wires and apparatus. 10

Mechanical
power works
to be subject
to Tramways
Act 1870.

23. All works to be executed by the Promoters or their lessees in any street or road for working the tramway by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned Provided always that nothing in this Order contained shall authorise the opening or breaking up of any street or road outside the district and that section 30 (except subsections 1 and 5 thereof) of the Tramways Act 1870 in its application to the undertaking shall have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a street road or footpath. 15 20

Byelaws.

24. Subject to the provisions of this Order the Board of Trade may make byelaws for all or any of the following purposes with regard to the tramway if mechanical power be used thereon (that is to say):— 25

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

For regulating the emission of smoke or steam from engines used on the tramway; 30

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramway and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages; 35

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramway by exhibition of the same in conspicuous places on the carriages and elsewhere. 40

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings. 45

25. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramway under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

A.D. 1912.

*Bingley
Urban
District
Council.*Amendment
of Tramways
Act 1870 as
to byelaws
by local
authority.

26. The following provisions shall apply to the use of electrical power under this Order unless such power is entirely contained in and carried along with the carriages:—

Special pro-
visions as
to use of
electrical
power.

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

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Council.*

- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection main- 5
tenance and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents : 10
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board 15
and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramway. 20

*Alteration of
telegraph
lines of Post-
master-
General.*

27. Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways 25
Act 1870) to any such alteration.

*For protec-
tion of Post
Office tele-
graph lines.*

28. In the event of the tramway being worked by electricity the following provisions shall have effect :—

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in 30
all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the 35
working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be referred to arbitration : 40
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expenses of all such alterations in

the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection: A.D. 1912.

- 5 (3) Before any electric line is laid down or any act or work for working the tramway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Promoters as to any requirement so made shall be referred to arbitration:
- 10
- 15
- 20 (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations:
- 25
- 30
- 35 (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- 40
- 45 (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an

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District
Council.*

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District
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accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without 5 previous notice :

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any 10 manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order : 15
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the 20 application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act : 25
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Promoters" includes any 30 person owning working or running carriages over the tramway.

Use of tram-
way posts by
Postmaster-
General.

29.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any 35 posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connexion with the tramway and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to 40 the following conditions :—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramway :

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District
Council.*
- 5 (B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain. Any difference as to any matter referred to in such notice shall be determined as herein-after provided :
- 10
- 15 (C) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramway or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- 20
- 25 (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires. Any difference as to the conditions of attachment shall be determined as herein-after provided :
- 30
- (E) Unless otherwise agreed with the approval of the Board of Trade no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- 35 (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- 40 (G) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers

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conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants:

- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as herein-after provided :
- (i) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramway or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants :
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.
- (2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramway or other undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

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Council.*

(4) In this section—

- 5 The expression “the Promoters” includes their lessees ;
The expression “telegraph” has the same meaning as in the Telegraph Act 1869 ;
Other expressions have the same meaning as in the Telegraph Act 1878.
- 10 30.—(1) The Promoters’ lessees may carry any parcels not exceeding fifty-six pounds in weight and may demand and take for the conveyance of such parcels upon the tramway any rates and charges not exceeding the rates and charges specified in the schedule to this Order annexed. Charges for parcels.
- 15 (2) The Promoters’ lessees shall give public notice of the scale of rates and charges which they intend to charge for the conveyance of parcels and similar notice of any alterations which they may from time to time intend to make in the scale of rates and charges for the time being in force in some conspicuous place at all receiving offices established by them for the reception of parcels.
- 20 31. The Promoters’ lessees shall not use the tramway for the carriage of minerals or merchandise except the road materials stores refuse and manure of themselves or of the Promoters or of any other local authority whose tramways are leased to or worked by such lessees. As to carriage of minerals &c.

Rates.

- 25 32.—(1) The Promoters’ lessees may demand and take for every passenger travelling upon the tramway including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile. Passengers’ fares.
- 30 (2) Provided that the Promoters’ lessees may appoint stages upon the tramway not less than half a mile in length and may demand and take for every passenger travelling upon the tramway including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be
- 35 deemed a stage.
33. The Promoters’ lessees shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week-days. As to fares on Sundays and holidays.
- 40 34. Every passenger travelling upon the tramway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof All such Passengers’ luggage.

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Cheap fares
for labouring
classes.

luggage is to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

35.—(1) The Promoters' lessees at all times after the opening of the tramway for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters' lessees to provide such service as may appear to the Board to be reasonable.

(3) The Promoters' lessees shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Payment of
rates.

36. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramway and in such manner and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint.

Periodical
revision of
rates and
charges.

37. If at any time after three years from the opening for public traffic of the tramway or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramway or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramway or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic

on the tramway or on such portion of the tramway in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section. Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised. Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

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Miscellaneous.

10 38. Notwithstanding anything in the Tramways Act 1870 to the contrary the Promoters may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramway and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramway by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the tramway and the taking of rates and charges therefore shall extend and apply mutatis mutandis to and in relation to the Promoters and the Promoters may work the tramway and demand and recover such rates and charges accordingly but nothing in this section shall empower the Promoters to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the said tramway.

Power to
Promoters
to work
tramway.

39. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to the tramway or portions of tramway for the time being belonging to and worked by the Promoters be made by the Promoters alone.

Regulations.

40.—(1) Subject to the provisions of this Order the Promoters may—

Working
agreements.

35 (A) Enter into and carry into effect contracts and agreements with any person authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways connecting with the tramway with respect to—

- 40 (i) the construction and equipment of the tramway ;
(ii) the formation of junctions between the tramway and the tramways belonging to such person ;
(100) D 2

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Council.*

(iii) the working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for 5 the same ;

(iv) the supply under any agreement for the tramways of either of the contracting parties being worked and used by the other of motive power or of engines carriages and plant necessary for the purpose of such agreement 10 Provided that no electrical energy shall be supplied or shall continue to be supplied by the Promoters under this section in any district other than the urban district of Bingley in which any local authority company or person shall be supplying energy under statutory authority 15 without the consent in writing of such local authority company or person ;

(v) the management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties ; 20

(vi) the appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connexion :

(B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order. 25

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

(3) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties 30 of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for conveyance over the tramways 35 of each such party shall be calculated at the maximum rate or fare which would be applicable if the conveyance took place for the entire distance over those tramways only.

(4) In this section the word "tramways" includes light railways and parts of tramways and light railways. 40

**Mortgages
to include
rents and
rates.**

41. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the

- moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order. A.D. 1912.
Bingley Urban District Council.
- 5 42. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and
- 10 to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly. Orders &c. of Board of Trade.
43. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.
- 15 44. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the tramway and the undertaking and to the audit thereof as if such accounts related to
- 20 receipts and expenditure under the Public Health Act 1875. Audit of accounts.
45. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that
- 25 section shall mean this Order. Protection of local authority
46. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive rights therein) acquire and hold any patent or other rights and any licences to use patent rights relating to the use of
- 30 electrical power. Power to hold patent rights.
47. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):— Form and delivery of notices.
- 35 (1) Every notice consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary:
- 40 (2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any authority or company any such notice or other

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document shall be delivered or sent by post in a prepaid letter addressed to the clerk to the authority at his office or to the secretary of the company at their registered or principal office.

Provisions as to arbitration.

48. Subject to the provisions of this Order where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission. 5 10

Saving for general Acts.

49. Nothing in this Order contained shall exempt the Promoters or any person using the tramway from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates and charges authorised by this Order. 15

SCHEDULE.

MAXIMUM RATES AND CHARGES FOR SMALL PARCELS.

	Per mile.	
	<i>s.</i> <i>d.</i>	
For any parcel not exceeding seven pounds in weight	- 0 3	
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	- 0 4	
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	- 0 6	25
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight	- 0 9	
For any parcel fifty-six pounds in weight such sum as the Promoters may think fit:		
Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.		30

DEWSBURY CORPORATION.

A.D. 1912

Order authorising the Mayor Aldermen and Burgesses of the Borough of Dewsbury to construct an additional Tramway in their Borough.

Dewsbury Corporation.

- 5 1. This Order may be cited as the Dewsbury Corporation Tramways Order 1912 and the Dewsbury Corporation Tramways Orders 1904 1906 and 1911 and this Order may be jointly cited as the Dewsbury Corporation Tramways Orders 1904 to 1912. Short and collective titles.
- 10 2. The several words terms and expressions to which by the Order of 1904 or the Acts in whole or in part incorporated therewith meanings are assigned have in this Order the same respective meanings Provided that in this Order— Interpretation.
- 15 The expression “the Order of 1904” means the Dewsbury Corporation Tramways Order 1904 as incorporated in the Order of 1906 ;
- The expression “the Order of 1906” means the Dewsbury Corporation Tramways Order 1906 ;
- The expression “the Order of 1911” means the Dewsbury Corporation Tramways Order 1911 ;
- 20 The expression “the tramway” means the tramway and works authorised by this Order ;
- 25 The expression “the tramway undertaking” means the tramway undertaking of the corporation so far as the same is authorised by the Order of 1904 the Order of 1906 the Order of 1911 and this Order.
3. The mayor aldermen and burgesses of the borough of Dewsbury acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.” Promoters.
- 30 4. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramway herein-after described with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places posts poles brackets wires stables carriage-houses engine-houses sheds buildings works and conveniences connected therewith or for the purposes thereof: Construction of tramway.
- 35

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Dewsbury Corporation.

Provided that no post or other apparatus shall be erected on the carriageway of any street or road for the purposes of the tramway except with the consent of the Board of Trade :

Provided also that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section. 5

The tramway authorised by this Order will be laid as a double line and will be wholly situate within the borough and is as follows (that is to say) :— 10

A tramway 1 mile 5 furlongs 5·5 chains or thereabouts in length commencing in Halifax Road by a junction with Railway No. 2 authorised by the Spen Valley Light Railway Order 1901 at a point 395 yards or thereabouts measured in a north-westerly direction from the centre of the Dewsbury Market Place passing along Willans Road Moorlands Road Boothroyd Lane and Staincliffe Road and terminating in Staincliffe Road at or near to the point where that road crosses the boundary of the borough. 15 20

For protection of Yorkshire (Woollen District) Electric Tramways Limited.

5.—(1) Notwithstanding anything contained in this Order before the Promoters shall commence the construction of any works under the powers of this Order for the purpose of forming a physical junction with the light railways belonging to them but at the date of this Order leased to and worked by the Yorkshire (Woollen District) Electric Tramways Limited (in this section called "the company") they shall if such works would interfere with the said light railways or interrupt the service of cars thereon obtain the consent of the company to the construction of such works but such consent shall not be unreasonably withheld and any such works shall be constructed in accordance with such plans and in compliance with such conditions as may before the commencement thereof be agreed upon between the Promoters and the company or failing agreement settled by arbitration as herein-after provided. 25 30

(2) Any question which shall arise between the Promoters and the company as to the reasonableness of the withholding of any consent or otherwise under the provisions of this section shall be referred to arbitration the arbitrator being appointed failing agreement by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration. 35 40

Application of Order of 1904.

6. Subject to the provisions of this section the provisions of the Order of 1904 the Order of 1906 and the Order of 1911 shall so far

as the same are applicable and are not inconsistent with the provisions of this Order extend and apply to the tramway in like manner in every respect as if the tramway formed part of the tramways and the undertaking authorised by the Order of 1904 and as if the tramway undertaking had been wholly authorised by the Order of 1904 and for the purpose of such application the expression "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramway as defined by this Order :

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Provided always that the following sections of the Order of 1904 and the Order of 1911 shall not extend or apply to the tramway namely:—

The Order of 1904—

- Section 6 Construction of tramways ;
- Section 7 For protection of main roads ;
- 15 Section 8 For protection of frontages in Vicarage Road and Long Causeway ;
- Section 9 For protection of Lancashire and Yorkshire Railway Company ;
- Section 10 For protection of Great Northern Railway Company ;
- 20 Section 11 For further protection of Great Northern Railway Company :

The Order of 1911—

- Section 4 Construction of tramway ;
- Section 5 Application of Order of 1904 ;
- 25 Section 6 For protection of West Riding County Council.

PORTSMOUTH CORPORATION.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Portsmouth to construct additional Tramways in the said Borough and for other purposes. *Portsmouth Corporation.*

- 30 1. This Order may be cited as the Portsmouth Corporation Tramways Order 1912. Short title.
- 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and Incorporation of Acts.

A.D. 1912. with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Portsmouth Corporation.

Interpretation.

3. The several words terms and expressions to which by the 5 Tramways Act 1870 meanings are assigned have in this Order the same respective meanings:

Provided that in this Order—

The expressions “the tramways” and “the undertaking” mean respectively the tramways and works and the undertaking by 10 this Order authorised;

The expressions “the Act of 1898” “the Order of 1900” and “the Order of 1909” mean respectively the Portsmouth Corporation Tramways Act 1898 the Portsmouth Corporation Tramways Order 1900 confirmed by the Tramways Orders 15 Confirmation (No. 5) Act 1900 and the Portsmouth Corporation Tramways Order 1909 confirmed by the Tramways Orders Confirmation Act 1909; and

The expression “the corporation” means the mayor aldermen and burgesses of the borough of Portsmouth acting by the 20 council.

Promoters.

4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

Construction of tramways.

5. Subject to the provisions of this Order the Promoters may construct and maintain in accordance with the plans and sections 25 deposited at the office of the Board of Trade for the purposes of this Order (which plans are in this Order referred to as “the deposited plans”) the tramways herein-after described with all proper rails plates sleepers junctions turntables turnouts crossings passing-places tubes wires stables carriage-houses sheds buildings works apparatus and 30 conveniences connected therewith or for the purposes thereof and may take up and remove so much of any existing lines of tramway as will be rendered unnecessary by the construction of the said tramways Provided that no post or other apparatus shall be erected on the carriageway of any street or road for the purposes of the tramways 35 except with the consent of the Board of Trade Provided also that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric 40 Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

[2 & 3 GEO. 5.] *Tramways Provisional Orders.* 35

The tramways authorised by this Order will be wholly situate in the parish and borough of Portsmouth and are :—

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Tramway No. 1 (6 furlongs 7·27 chains in length whereof
5 2 furlongs 8·31 chains are double line 3 furlongs 8·11 chains
are interlacing line and ·85 chain is single line).—Commencing
in Commercial Road by a junction with the existing tramway
in that road at a point 3 yards or thereabouts north of the
northern side of Garfield Road thence passing into and along
10 Twyford Avenue to and terminating in Northern Parade at a
point 14 yards or thereabouts west of the western side of
Gladys Avenue.

Tramway No. 1 will be a double line throughout except at the following places where it will be interlacing line and single line respectively (viz.) :—

- 15 In Twyford Avenue—
- (A) Interlacing line between a point 70 yards or thereabouts south of the southern side of Silverlock Street and a point 2 yards or thereabouts south of the northern side of Mills Road :
- 20 (B) Interlacing line between a point 7 yards or thereabouts south of the northern side of Simpson Road and a point 3 yards or thereabouts south of the northern side of St. Marks Road :
- 25 (C) Interlacing line between the northern side of Knox Road and a point 28 yards or thereabouts north of the northern side of Newcomen Road :
- (D) Interlacing line between a point 10 yards or thereabouts north of the northern side of Wilson Road and a point 15 yards or thereabouts north of the northern side of Gruneisen Road :
- 30 (E) Interlacing line between a point 3 yards or thereabouts north of the northern side of Strode Road and a point 17 yards or thereabouts south of the southern side of Walden Road.
- 35 In Northern Parade—
- (F) Single line between a point 30 yards or thereabouts west of the western side of Gladys Avenue and the termination of the tramway :

40 Tramway No. 2 (3 furlongs 7·13 chains in length whereof
2 furlongs 7·95 chains are double line 8·18 chains are
interlacing line and 1 chain is single line).—Commencing in

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 —
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 Corporation.*

Goldsmith Avenue by a junction with the existing tramway in that road at a point 11 yards or thereabouts west of the western side of Milton Road thence passing into and along Eastney Road to and terminating in Highland Road by a junction with the existing tramway in that road at a point 30 yards or thereabouts west of the west side of Cromwell Road.

Tramway No. 2 will be a double line throughout except at the following places where it will be interlacing line and single line respectively (viz.):—

In Eastney Road—

- (A) Interlacing line between a point 42 yards or thereabouts south of the southern side of Bransbury Road and a point 3 yards or thereabouts south of the northern side of Reginald Road.

In Highland Road—

- (B) Single line between a point 8 yards or thereabouts west of the west side of Cromwell Road and the termination of the tramway:

Tramway No. 3 (4 furlongs 6·66 chains in length whereof 3 furlongs 4·86 chains are double line 9·99 chains are interlacing line and 1·81 chains are single line).—Commencing in St. Helen's Parade by a junction with the existing tramway in that road at a point 162 yards or thereabouts south of the southern side of Granada Road thence passing into and along Festing Road to and terminating in Highland Road by a junction with the existing tramway in that road at a point 19 yards or thereabouts west of the western side of Festing Road.

Tramway No. 3 will be a double line throughout except at the following places where it will be single line and interlacing line respectively (viz.):—

In St. Helen's Parade—

- (A) Single line between the commencement of the tramway and a point 122 yards or thereabouts south of the south side of Granada Road:

In Festing Road—

- (B) Interlacing line between a point 65 yards or thereabouts north of the north side of Eastern Parade and a point 5 yards or thereabouts south of the south side of South Road:

(c) Interlacing line between a point 15 yards or thereabouts north of the north side of South Road and a point 3 yards or thereabouts north of the south side of Festing Grove : A.D. 1912.
Portsmouth Corporation.

- 5 (d) Interlacing line between points respectively 100 yards and 145 yards or thereabouts north of the north side of Festing Grove :

10 . Provided that notwithstanding anything shown on the deposited plans the position of Tramway No. 3 in St. Helen's Parade shall be such as may be approved by the Board of Trade and the construction of the said tramway in the said parade shall not be commenced until the position has been so approved.

- 15 Tramway No. 3A (double line 1·81 chains in length).—Commencing in Festing Road by a junction with Tramway No. 3 in that road at a point 18 yards or thereabouts south of the southern side of Highland Road and terminating in Highland Road by a junction with the existing tramway in that road at a point 18 yards or thereabouts east of the eastern side of Festing Road.

- 20 6. Subject to the provisions of this Order the herein-after mentioned provisions of the Order of 1909 and the provisions thereby applied shall so far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised formed part of the tramways and tramway undertaking
25 authorised by the Act of 1898 the Order of 1900 and the Order of 1909 and for the purpose of such application the expressions "the tramways" and "the tramway undertaking" and "the undertaking" in the said provisions shall be construed to include the tramways and the undertaking as defined by this Order.

Extending to this Order certain provisions of Order of 1909.

- 30 The provisions of the Order herein-before referred to are—

Section 7 (For protection of Postmaster-General).
Section 8 (Use of tramway posts by Postmaster-General).
Section 9 (As to alteration of tramway lines &c.).
Section 10 (Passengers' fares).

- 35 Section 11 (Extending to this Order certain provisions of Order of 1900).
-

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WEST HARTLEPOOL CORPORATION.

*West
Hartlepool
Corporation.**Order authorising the Mayor Aldermen and Burgesses of
the County Borough of West Hartlepool to construct Tramways
in their Borough.**Preliminary.*

5

Short title.

1. This Order may be cited as the West Hartlepool Corporation Tramways Order 1912.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order. 10

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings: 15

Provided that in this Order—

The expression “the borough” means the county borough of West Hartlepool;

The expression “the corporation” means the mayor aldermen and burgesses of the borough acting by the council; 20

The expression “the corporation tramways” means the tramways and works by this Order authorised and all other tramways for the time being belonging to the corporation and wholly situate within the borough or (as the case may be) any part of such tramways; 25

The expression “the undertaking” means the undertaking by this Order authorised and other the tramway undertaking of the corporation;

The expression “mechanical power” includes steam electrical and every other motive power not being animal power and the word “engine” includes motor. 30

Promoters.

4. The corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

Lands.

5. The Promoters may— 35

(A) Subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under

which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estates;

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- 5 (B) By agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums
- 10 on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government
- 15 Board:

Provided that they shall not at any time hold for such purposes more than five acres of land Provided also that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or

20 permitted by them upon lands appropriated or taken under the powers of this section.

Construction of Tramways.

6. The Promoters may subject to the provisions of this Order:—
- 25 (a) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways hereinafter described with all proper rails plates sleepers junctions turntables turnouts works and conveniences connected therewith or for the purposes thereof;
- 30 (b) Erect or construct on any lands taken or appropriated under the powers of this Order any offices stables sheds workshops stores waiting-rooms or other buildings yards works and conveniences for the purposes of the undertaking:
- 35

Construction
of tramways.

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of

40 1882 apply except in accordance with and subject to the provisions of that section.

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 Corporation.

The tramways authorised by this Order will be wholly situate within the borough and are as follows (that is to say):—

Tramway No. 1 (2 furlongs 2·76 chains or thereabouts in length whereof 1 furlong 4·16 chains are single line and 8·60 chains are double line) commencing in Church Street by a junction with the existing tramway in that street at a point 0·75 chain or thereabouts measured in a westerly direction from a point in that street opposite the west side of Lynn Street thence proceeding into and along and terminating in Lynn Street at the intersection of the centre lines of Lynn Street and Lamb Street. 5 10

Tramway No. 1 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

- (A) In Lynn Street from a point opposite the south side of Surtees Street for a distance of 3 chains or thereabouts measured in a southerly direction; 15
- (B) In Lynn Street from the intersection of the centre lines of Lynn Street and Lambton Street for a distance of 5·6 chains or thereabouts measured in a southerly direction:

Provided that the Promoters shall not construct Tramway No. 1 in Lynn Street from a point opposite the south side of John Street for a distance of 3 chains measured in a southerly direction until they have so widened that street between those points as to leave a space of 9 feet 6 inches between the nearest rail of the tramway and the kerb on both sides of the tramway. 20 25

Tramway No. 1A (double line 1·23 chains or thereabouts in length) commencing in Lynn Street by a junction with Tramway No. 1 at a point 0·75 chain or thereabouts measured in a northerly direction from the intersection of the centre lines of Lynn Street and Musgrave Street thence proceeding into and terminating in Musgrave Street at a point 0·75 chain or thereabouts measured in a westerly direction from the said point of intersection of Lynn Street and Musgrave Street: 30

Tramway No. 2 (2 furlongs 4·88 chains or thereabouts in length whereof 1 furlong 5·83 chains are single line and 9·05 chains are double line) commencing in Musgrave Street by a junction with Tramway No. 1A at its termination thence proceeding along Musgrave Street to and terminating in Stockton Street by a junction with the existing tramway in that street at a point 0·9 chain or thereabouts measured in a northerly direction from the intersection of the centre lines of Musgrave Street and Stockton Street. 35 40

Tramway No. 2 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

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- 5 (A) In Musgrave Street from the commencement of the tramway for a distance of 2·73 chains or thereabouts measured in a westerly direction ;
- (B) In Musgrave Street from a point 0·82 chain or thereabouts west of a point in that street opposite the west side of Grace Street for a distance of 3 chains or thereabouts measured in a westerly direction ;
- 10 (C) From a point in Musgrave Street opposite the west side of St. James' Place to the termination of the tramway in Stockton Street.

15 Tramway No. 3 (4 furlongs 3·96 chains or thereabouts in length whereof 2 furlongs 6·36 chains are single line and 1 furlong 7·60 chains are double line) commencing in Stockton Street by a junction with the existing tramway in that street at a point 0·6 chain or thereabouts south of the intersection of the centre lines of Stockton Street and Park Road thence proceeding into and along Park Road and York Road to and terminating in

20 Stockton Road by a junction with the existing tramway in that road at a point 1·2 chains or thereabouts south of the intersection of Blakelock Road and York Road.

Tramway No. 3 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

- 25 (A) From the commencement of the tramway in Stockton Street to a point in Park Road 0·85 chain or thereabouts measured in a westerly direction from the intersection of the centre lines of Park Road and Silver Street ;
- 30 (B) From a point in Park Road 4·4 chains or thereabouts measured in a westerly direction from the intersection of the centre lines of Park Road and Waldon Street to a point in York Road 1·1 chains or thereabouts south of the intersection of York Road and Gainford Street ;
- 35 (C) In York Road from a point 4·3 chains or thereabouts measured in a southerly direction from the intersection of the centre lines of York Road and Lister Street to a point opposite the south side of Houghton Street.

40 Tramway No. 3A (double line 1·10 chains or thereabouts in length) commencing in York Road by a junction with Tramway No. 3 at a point 0·65 chain or thereabouts measured in a northerly direction from the intersection of the centre lines of York Road

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and Elwick Road thence proceeding into and terminating in Elwick Road at a point 0·75 chain or thereabouts west of the intersection of the centre lines of York Road and Elwick Road.

Tramway No. 4 (3 furlongs 5·15 chains or thereabouts in length whereof 2 furlongs 6·42 chains are single line and 8·73 chains are double line) wholly situate in Elwick Road commencing by a junction with Tramway No. 3A at its termination and terminating at the intersection of the centre lines of Eldon Grove and Elwick Road. **5**

Tramway No. 4 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:— **10**

- (A) In Elwick Road from the commencement of the tramway for a distance of 2·73 chains or thereabouts measured in a westerly direction ;
- (B) In Elwick Road from a point 0·4 chain or thereabouts measured in an easterly direction from a point opposite the east side of Lansdowne Road for a distance of 3 chains or thereabouts measured in a westerly direction ; **15**
- (C) In Elwick Road from a point opposite the west side of Burn Valley Road for a distance of 3 chains or thereabouts measured in a westerly direction. **20**

Tramway No. 5 (1 furlong 2·50 chains or thereabouts in length whereof 6·50 chains are single line and 6 chains are double line) commencing in Elwick Road by a junction with Tramway No. 4 at a point 0·75 chain or thereabouts west of the intersection of the centre lines of York Road and Elwick Road and proceeding along Elwick Road in an easterly direction to and terminating in Stockton Road by a junction with the existing tramway in that road at a point 0·75 chain or thereabouts measured in a south-westerly direction from the intersection of the centre lines of Stockton Road and Church Row. **25**

Tramway No. 5 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

- (A) In Elwick Road from the commencement of the tramway for a distance of 4·14 chains or thereabouts measured in an easterly direction ; **35**
- (B) In Elwick Road from a point 2·75 chains or thereabouts measured in an easterly direction from the intersection of the centre lines of Elwick Road and Waldon Street for a distance of 1·86 chains or thereabouts measured in an easterly direction. **40**

Tramway No. 6 (1 furlong 6·54 chains or thereabouts in length whereof 1 furlong 0·61 chain are single line and 5·93 chains are double line) commencing in York Road by a junction with Tramway No. 3 at a point 0·75 chain or thereabouts measured in a southerly direction from the intersection of the centre lines of York Road and Park Road thence proceeding along York Road in a northerly direction to and terminating in Victoria Road by a junction with the existing tramway in that road at a point 1 chain east of the intersection of the centre lines of York Road and Victoria Road.

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Tramway No. 6 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

(A) In York Road from the commencement of the tramway for a distance of 2·93 chains or thereabouts measured in a northerly direction;

(B) In York Road from a point 0·65 chain or thereabouts measured in a southerly direction from the intersection of the centre lines of York Road and South Road for a distance of 3 chains or thereabouts measured in a northerly direction.

Tramway No. 7 (double line 1 furlong 2·83 chains or thereabouts in length) commencing in Victoria Road by a junction with the existing tramway in that road at a point 0·5 chain or thereabouts measured in a westerly direction from the west side of Stockton Street thence proceeding in an easterly direction along Upper Church Street and the south side of Church Square to and terminating in Church Street by a junction with the existing tramway in that street at a point opposite the east side of Scarborough Street.

Tramway No. 7A (double line 1·47 chains or thereabouts in length) commencing in Stockton Street by a junction with the existing tramway in that street at a point 1·35 chains or thereabouts south of the intersection of the centre lines of Stockton Street and Victoria Road thence proceeding into and terminating in Upper Church Street by a junction with Tramway No. 7 at a point 1·15 chains or thereabouts measured in an easterly direction from the intersection of the centre lines of Upper Church Street and Stockton Street.

Tramway No. 7B (single line 1·35 chains or thereabouts in length) commencing in Clarence Road by a junction with the existing tramway in that road at a point 1·2 chains or thereabouts south of the intersection of the centre lines of Clarence Road and Middleton Road thence proceeding into and terminating in

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Middleton Road at a point 1·1 chains or thereabouts west of the intersection of the centre lines of Clarence Road and Middleton Road:

Provided that the Promoters shall not construct Tramway No. 7B unless and until Clarence Road and Middleton Road have been widened at their junction as shown on the deposited plans. 5

Tramway No. 8 (5 furlongs 9·58 chains or thereabouts in length whereof 4 furlongs 7·58 chains are single line and 1 furlong 2 chains are double line) commencing in Middleton Road at a point 0·8 chain or thereabouts measured in a westerly direction from the west side of Clarence Road by a junction with Tramway No. 7B and terminating in Hart Lane at the intersection of the centre lines of Hart Lane and Weldeck Road. 10 15

Tramway No. 8 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

- (A) In Middleton Road from the commencement of the tramway for a distance of 3 chains or thereabouts measured in a westerly direction; 20
- (B) In Middleton Road from a point 0·75 chain or thereabouts measured in an easterly direction from the intersection of the centre lines of Middleton Road and Dale Street for a distance of 3 chains or thereabouts measured in a westerly direction; 25
- (C) In Hart Lane from a point 0·5 chain or thereabouts measured in an easterly direction from the intersection of the centre lines of Hart Lane and Hopps Street for a distance of 3 chains or thereabouts measured in a westerly direction;
- (D) In Hart Lane from a point 0·5 chain or thereabouts measured in a westerly direction from the intersection of the centre lines of Hart Lane and Duke Street for a distance of 3 chains or thereabouts measured in a westerly direction. 30

Tramway No. 9 (3 furlongs 7·57 chains or thereabouts in length whereof 2 furlongs 8·17 chains are single line and 9·4 chains are double line) commencing in Hart Lane by a junction with Tramway No. 8 at a point 0·5 chain or thereabouts measured in a westerly direction from the intersection of the centre lines of Hart Lane and Hart Road thence proceeding into and along Hart Road and terminating in that road by a junction with Tramway No. 7 at a point opposite the south-west corner of the police station. 35 40

Tramway No. 9 will be laid as a single line except between the points herein-after specified where it will be laid as a double line:—

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5 (A) In Hart Road from a point 0·6 chain or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Hart Road and Hart Lane for a distance of 3 chains or thereabouts measured in a south-easterly direction;

10 (B) From a point in Hart Road 1·36 chains or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Hart Road and Middleton Grange Lane to the point of termination of the tramway in Upper Church Street.

15 7.—(1) The tramways authorised by this Order shall be constructed on a gauge of three feet six inches or such other gauge as may from time to time be determined by the Board of Trade on the application of the Promoters. Gauge and width of carriages.

20 (2) In the event of any of the corporation tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the corporation tramways but in that case no engine or carriage used on the corporation tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

25 8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing the corporation tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down or renewal of any of the corporation tramways Provisions as to construction of tramways. except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

35 9. The rails of the corporation tramways shall be such as the Board of Trade may approve. Rails of tramways.

40 10.—(1) The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the corporation tramways and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of Penalty for not maintaining rails and roads in good condition.

A.D. 1912. section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a penalty not exceeding five pounds for every day on which such non-compliance continues.

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(2) In case it is represented in writing to the Board of Trade by twenty ratepayers of the borough that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

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Tramways to be kept on level of surface of road.

11. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the corporation tramways is laid or authorised to be laid the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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Cross-overs to be constructed in certain cases.

12. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

25

Powers to make additional cross-overs &c. and to alter tramway lines.

13.—(1) The Promoters may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove all such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the corporation tramways or for effecting junctions with other tramways or light railways or for providing access to any warehouses stables carriage-houses sheds or works of the Promoters.

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(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the corporation tramways and may

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with the like consent alter the position in the road of any of the corporation tramways or any part thereof respectively Provided that the uppermost surface thereof shall be on a level with the surface of the road.

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

14. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the corporation tramways are laid it is in the opinion of the Promoters necessary or
- 20 expedient temporarily to alter remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued.

Temporary tramways may be made when necessary.

- 25 15. Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

- 30 16. The Promoters may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may use for that purpose portions of the public streets or roads.

Shelters or waiting-rooms.

- 35 17. The tramways by this Order authorised shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways not to be opened until certified by Board of Trade.

Motive Power.

18. The carriages used on the corporation tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

Provisions as to motive power.

- 40 (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

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 Corporation.

- (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the corporation tramways and for regulating the use of electrical power : 5
- (3) The Promoters or any person using any mechanical power on the corporation tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds 10 and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:
- (4) The Board of Trade if they are of opinion :—
- (A) that the Promoters or such person have or has 15 made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or
- (B) that the use of mechanical power as authorised under 20 this Order is a danger to the passengers or the public ; may by order either direct the Promoters or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such person shall 25 comply with every such Order . In every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

Mechanical
 power works

19. For the purpose of working any of the corporation tramways by mechanical power the Promoters and their lessees subject to the 30 provisions of this Order (and as to the lessees subject to the terms of their lease) may—
- (A) Construct provide maintain and use on any lands appropriated or acquired by them under the powers of this Order stations for generating electrical power with all necessary or proper 35 machinery dynamos engines buildings works and conveniences ;
- (B) Place construct erect lay down make and maintain on above or below the surface of any street or road within the borough (but as regards any post on the carriage-way not without the express approval of the Board of Trade and subject to such 40 conditions as to removal as that Board may impose) posts brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings ;

(c) With the consent of the owners and occupiers of any houses or buildings within the borough affix to such houses or buildings or maintain brackets wires and apparatus.

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20. All works to be executed by the Promoters or their lessees in any street or road for working the corporation tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects (save as by this Order otherwise expressly provided) to the provisions of the Tramways Act 1870 as in this Order incorporated as if they had been therein expressly mentioned. Provided always that nothing in this Order contained shall authorise the opening or breaking up of any street or road outside the borough and that section 30 (except subsections 1 and 5 thereof) of the tramways Act 1870 in its application to the undertaking shall have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a street road or footpath.

Mechanical
power works
to be subject
to Tramways
Act 1870.

21. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the corporation tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

Byelaws.

- For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;
- For regulating the emission of smoke or steam from engines used on the corporation tramways;
- 25 For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;
- 30 For regulating the entrance to exit from and accommodation in the carriages used on the corporation tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;
- 35 For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the corporation tramways by exhibition of the same in conspicuous places on the carriages and elsewhere:

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

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 Amendment
 of the Tram-
 ways Act
 1870 as to
 byelaws by
 local autho-
 rity.

22. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the corporation tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the corporation tramways under the authority of this Order but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised. 5

Special pro-
 visions as to
 use of elec-
 tric power.

23. The following provisions shall apply to the use of electric power under this Order unless such power is entirely contained in and carried along with the carriages :— 10

- (1) The Promoters shall employ either insulated returns or un- insulated metallic returns of low resistance :
- (2) The Promoters shall take all reasonable precautions in con- 15
 structing placing and maintaining their electric lines and
 circuits and other works of all descriptions and also in
 working their undertaking so as not injuriously to affect
 by fusion or electrolytic action any gas or water pipes or
 other metallic pipes structures or substances or to interfere 20
 with the working of any wire line or apparatus from time
 to time used for the purpose of transmitting electric power
 or of telegraphic telephonic or electric signalling commu-
 nication or the currents in such wire line or apparatus :
- (3) The electric power shall be used only in accordance with the 25
 Board of Trade regulations and in such regulations provision
 shall be made for preventing fusion or injurious electrolytic
 action of or on gas or water pipes or other metallic pipes
 structures or substances and for minimising as far as is
 reasonably practicable injurious interference with the electric 30
 wires lines and apparatus of other parties and the currents
 therein whether such lines do or do not use the earth as a
 return :
- (4) The Promoters shall be deemed to take all reasonable pre- 35
 cautions against interference with the working of any wire
 line or apparatus if and so long as they adopt and employ
 at the option of the Promoters either such insulated returns
 or such uninsulated metallic returns of low resistance and
 such other means of preventing injurious interference with the
 electric wires lines and apparatus of other parties and the 40
 currents therein as may be prescribed by the Board of Trade
 regulations and in prescribing such means the Board shall
 have regard to the expenses involved and to the effect thereof
 upon the commercial prospects of the undertaking ;

- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:
- (6) If any difference arises between the Promoters and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:
- (7) In this section the expression "the Promoters" includes any person owning working or running carriages over the corporation tramways or any part thereof.

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 Corporation.*

24.—(A) Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protec-
 tion of Post-
 master-
 General.

- (B) In the event of any of the corporation tramways being worked by electricity the following provisions shall have effect:—
- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction and the working of the undertaking to prevent injurious affection whether by induction or otherwise of such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be determined by arbitration:

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- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking the Promoters shall pay the expenses of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection : 5
- (3) Before any electric line is laid down or any act or work for working the corporation tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be determined by arbitration : 10 15 20
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electric energy is being generated for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Promoters pursuant to the Board of Trade regulations : 25 30 35
- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues : 40

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- 5 (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- 10
- 15 (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- 20 (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- 25 (10) Any question or difference arising under this section which is directed to be referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- 30 (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the promoters by indictment action or otherwise in relation to any of the matters aforesaid :
- 35 (12) In this section the expression "the Promoters" includes any person owning working or running carriages over any of the corporation tramways.

25.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connexion with the corporation tramways and to lengthen adapt alter

Use of tramway posts by Postmaster-General.

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A.D. 1912. and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

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- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the corporation tramways: 5
- (B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided: 15
- (C) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the corporation tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or rendered necessary by or in consequence of any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section: 20 25 30
- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided: 35
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road: 40
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair: 45

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- 5 (g) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants :
- 10 (н) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as herein-after provided :
- 15 (i) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the corporation tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants :
- 20 (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.
- 30 (2) Nothing in this section contained shall prevent the Promoters
- 35 from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with the corporation tramways or other municipal undertakings or shall take away any existing right of the Promoters of permitting the use by

A.D. 1912. any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided. 5

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(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section— 10

The expression "Promoters" includes their lessees ;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869 ;

Other expressions have the same meaning as in the Telegraph Act 1878. 15

Traffic upon Tramways.

Traffic upon tramways. 26. The corporation tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

Promoters' lessees not bound to carry animals goods &c. 27. The Promoters' lessees shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight. 20

Provisions as to carriage of animals goods &c. 28. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the corporation shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage not exceeding twenty-eight pounds in weight. 25

Agreements with respect to traffic. 29. The Promoters may subject to the provisions of this Order enter into agreements with any local authority company or person with respect to the receiving from or forwarding to such local authority company or person any passengers passengers' luggage or parcels and the fixing collection and apportionment of rates charges or other receipts in respect of such traffic. 30

Rates.

Passengers' fares. 30.—(1) The Promoters' lessees may demand and take for every passenger travelling upon the corporation tramways including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile. 35

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(2) Provided that the Promoters' lessees may appoint stages upon the corporation tramways not less than half a mile in length and may demand and take for every passenger travelling upon the corporation tramways including every expense incidental to the conveyance of
5 such passenger any rates or charges not exceeding one penny for each two stages (or a portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage.

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31. The Promoters' lessees shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those
10 levied by them on ordinary week-days.

As to fares
on Sundays
and holidays.

32. Every passenger travelling upon the corporation tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof Provided that all such luggage be carried by hand and at
15 the responsibility of the passenger and do not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Passengers'
luggage.

33.—(1) The Promoters' lessees at all times after the opening of the corporation tramways for public traffic shall and they are hereby
20 required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be
25 most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters' lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may
30 be most convenient for the said purposes.

Cheap fares
for labouring
classes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Promoters' lessees to provide such service as may appear to the Board to be
35 reasonable.

(3) The Promoters' lessees shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

34. The Promoters' lessees may demand and take in respect
40 of any animals goods minerals or parcels conveyed by them on the corporation tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified

Rates and
charges for
animals
goods &c.

A.D. 1912. in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

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Payment of
rates.

35. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the corporation tramways and in such manner and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint. 5

Periodical
revision of
rates and
charges.

36. If at any time after three years from the opening for public traffic of the tramways by this order authorised or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the corporation tramways or any portion thereof it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty ratepayers of the borough that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the corporation tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the corporation tramways or on such portion of the corporation tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees. 10 15 20 25 30

Miscellaneous.

Power to
corporation
to work tram-
ways.

37. Notwithstanding anything in the Tramways Act 1870 to the contrary the corporation may place and run carriages on and may work and may demand and take rates and charges in respect of the corporation tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks horses harness engines machinery apparatus steam cable electrical and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions in this Order contained relating to the working of the corporation tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in 35 40

relation to the corporation and the corporation may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the corporation to create or permit a nuisance or to manufacture any such plant appliances or conveniences
5 required for the working or user of such tramways.

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38. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the corporation be made by the corporation
10 alone.

Regulations.

39.—(1) Subject to the provisions of this Order the Promoters may—

Working
agreements.

(A) Enter into and carry into effect contracts and agreements with any person or local authority authorised (whether expressly or otherwise) to enter into such contracts or agreements and owning or working any tramways connecting with any of the tramways of the Promoters with respect to:—
15

(i) The construction of the tramways by this Order authorised;
20

(ii) The formation of junctions between the tramways and the tramways belonging to such person;

(iii) The working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom or of a rent for the same;
25

(iv) The supply under any agreement for the tramways of either of the contracting parties being worked and used by the other of motive power or of engines carriages and plant necessary for the purposes of such agreement Provided that no electrical energy shall be supplied or shall continue to be supplied by the Promoters under this section in any district in which any local authority or person shall be supplying energy under statutory authority without the consent in writing of such local authority or person;
30
35

(v) The management regulation interchange collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting parties;
40

(vi) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connexion with each other:

A.D. 1912.

*West
Hartlepool
Corporation.*

(B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order.

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

(3) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for conveyance over the tramways of each such party shall be calculated at the maximum rate or fare which would be applicable if the conveyance took place for the entire distance over those tramways only.

(4) In this section the word "tramways" includes light railways and parts of tramways and light railways.

*As to through
service
between
Hartlepool
and West
Hartlepool.*

40.—(1) From and after the commencement of this Order the General Electric Tramways Company Limited or any company body or person for the time being working the tramways in the borough of Hartlepool (all of whom are in this section referred to as "the Company") for the purpose of affording a through route from the termination of the tramways in Hartlepool to the intersection of the centre lines of Lynn Street and Church Street in the borough of West Hartlepool may run over and use with their engines carriages waggons and officers and servants in charge of engines carriages and waggons for the purposes of conveying passengers parcels passengers' luggage and goods the existing tramways in the borough of West Hartlepool between the borough boundary of Hartlepool in Cleveland Road and the intersection of the centre lines of Lynn Street and Church Street in the borough of West Hartlepool together with all passing-places junctions plant machinery motive power apparatus works and conveniences of and connected with the same and as regards traffic so conveyed by the Company they shall demand and take in respect of the tramways run over the same rates and charges as those for the time being demanded and taken by the Promoters or such other rates and charges not exceeding the rates and charges from time to time authorised to be demanded in respect thereof as may be agreed between the Promoters and the company and the company shall be entitled to run over the tramways of the Promoters from the intersection of the centre lines of Church Street and Lynn Street to the Seaton Carew Light Railway for the purpose of running their cars into car-sheds to or from the said light railway or for the purpose of transferring cars to or from the said light railway but the company shall not be entitled (except with the consent of the Promoters such

consent not to be unreasonably withheld) to carry passengers through from the tramways of the company or the Promoters to the said light railway or vice versâ.

A.D. 1912.

West
Hartlepool
Corporation.

(2) The terms conditions and regulations in respect of such use and the tolls and other consideration to be paid for the same shall (if not agreed upon between the company and the Promoters) be from time to time determined in manner provided by the Tramways Act 1870 with respect to differences between promoters and a local authority.

(3) In running over and using the said tramways and in using any conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on those tramways shall be at all times observed so far as such byelaws shall be applicable.

(4) From and after the completion of the purchase by the Promoters of the tramways of the company in the borough of West Hartlepool the Promoters for the purposes of affording a through route from the intersection of the centre lines of Lynn Street and Church Street in the borough of West Hartlepool to the termination of the tramways in the borough of Hartlepool may run over and use with their engines carriages and waggons and officers and servants in charge of engines passengers' luggage and goods the existing tramways in the borough of Hartlepool together with all passing-places junctions plant machinery motive power apparatus works and conveniences of and connected with the same and as regards traffic so conveyed by the Promoters they shall demand and take in respect of the tramways run over the same rates and charges as those for the time being demanded and taken by the company or such other rates and charges not exceeding the rates and charges from time to time authorised to be demanded in respect thereof as may be agreed between the Promoters and the company.

(5) The terms conditions and regulations in respect of such use and the tolls and other consideration to be paid for the same shall (if not agreed upon between the company and the Promoters) be from time to time determined in manner provided by the Tramways Act 1870 with respect to differences between promoters and a local authority.

(6) In running over and using the said tramways and in using any conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on those tramways shall be at all times observed so far as such byelaws shall be applicable.

41. The Promoters shall not form any junctions with or otherwise interfere with any of the tramways of the General Electric Tramways Company Limited in the borough of West Hartlepool without the consent of that company.

For protection
of General
Electric Tram-
ways Company
Limited.

- A.D. 1912. 42. The Promoters may include in any mortgage of the local rate made by them under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order. 5
- West Hartlepool Corporation.*
Mortgages to include rents and rates.
- Orders &c. of the Board of Trade. 43. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly. 10
- Recovery of penalties. 44. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts. 15
- Audit of accounts. 45. Sections 246 and 250 of the Public Health Act 1875 and section 58 (1) of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Promoters and of their committees and officers with respect to the corporation tramways and the undertaking and to the audit thereof as if such accounts related to receipts and expenditure under the Public Health Act 1875. 20
- Protection of local authority. 46. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order. 25
- Form and delivery of notices. 47. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):— 30
- (1) Every notice consent or approval shall be in writing and if given by the Promoters or by any local or road authority or company shall be signed by their clerk or secretary: 35
 - (2) Notices and other documents required or authorised to be served under this Order may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any authority or company any such notice or other document shall be delivered or sent 40

by post in a prepaid letter addressed to the clerk to the authority at his office or to the secretary of the company at their registered or principal office.

A.D. 1912.

*West
Hartlepool
Corporation.*

48. Subject to the provisions of this Order where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission.

Provisions as to arbitration.

49. From and after the passing of the Act confirming this Order the provisions of this Order (so far as applicable) and the Conveyance of Mails Act 1893 shall extend and apply to the corporation tramways as if all such tramways had been authorised by this Order and thereupon the Hartlepool Tramways Order 1883 (confirmed by the Tramways Orders Confirmation (No. 1) Act 1883) the Hartlepool Tramways Order 1884 (confirmed by the Tramways Orders Confirmation (No. 4) Act 1884) the Hartlepool Tramways Order 1888 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1888) the Hartlepool Tramways Order 1895 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1895) the Hartlepool Electric Tramways Order 1895 (confirmed by the said Act of 1895) and the West Hartlepool Tramways Order 1898 (confirmed by the Tramways Orders Confirmation (No. 3) Act 1898) shall cease to apply to the corporation tramways.

Repeal of Acts.

50. Nothing in this Order contained shall exempt the Promoters or any person using the corporation tramways or the corporation tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised by this Order.

Saving for general Acts.

SCHEDULE.

MAXIMUM RATES AND CHARGES FOR ANIMALS GOODS &c.

		<i>Animals.</i>		Per mile.	
				<i>s.</i>	<i>d.</i>
35	For every horse mule or other beast of draught or burden	per head		0	4
	For every ox cow bull or head of cattle	-	-	0	3
	For every calf pig sheep or other small animal	-	„	0	1½

A.D. 1912.	<i>Goods and Minerals.</i>	Per mile.
<u>West</u> <i>Hartlepool Corporation.</i>		<i>s. d.</i>
	For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - - per ton	5 0 2
	For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs - - - - - per ton	10 0 2½
	For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - per ton	15 0 3
	For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - per ton	4 0
	For every carriage of whatever description - - - - -	1 0
	<i>Small Parcels.</i>	Any distance. 20
		<i>s. d.</i>
	For any parcel not exceeding 7 lbs. in weight - - - - -	0 3
	For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight - - - - -	0 5
	For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight - - - - -	25 0 7
	For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight - - - - -	0 9
	For any parcel exceeding 56 lbs. in weight but not exceeding 500 lbs. in weight such sum as the person conveying the same may think fit:	30
	Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.	35
	<i>For the carriage of Single Articles of Great Weight.</i>	
	For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the person conveying the same may think fit not exceeding	40
	per ton	2 0

[2 & 3 GEO. 5.] *Tramways Provisional Orders.*

65

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.

A.D. 1912.
West
Hartlepool
Corporation.

5 *Regulations as to Rates.*

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.

10 A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton rates and charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

15 With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.

20 With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

Tramways Provisional Orders.

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bingley Urban District Council Tramway Dewsbury Corporation Tramways Portsmouth Corporation Tramways and West Hartlepool Corporation Tramways.

(Brought from the Commons 2nd July 1912.)

Ordered to be printed 2nd July 1912.

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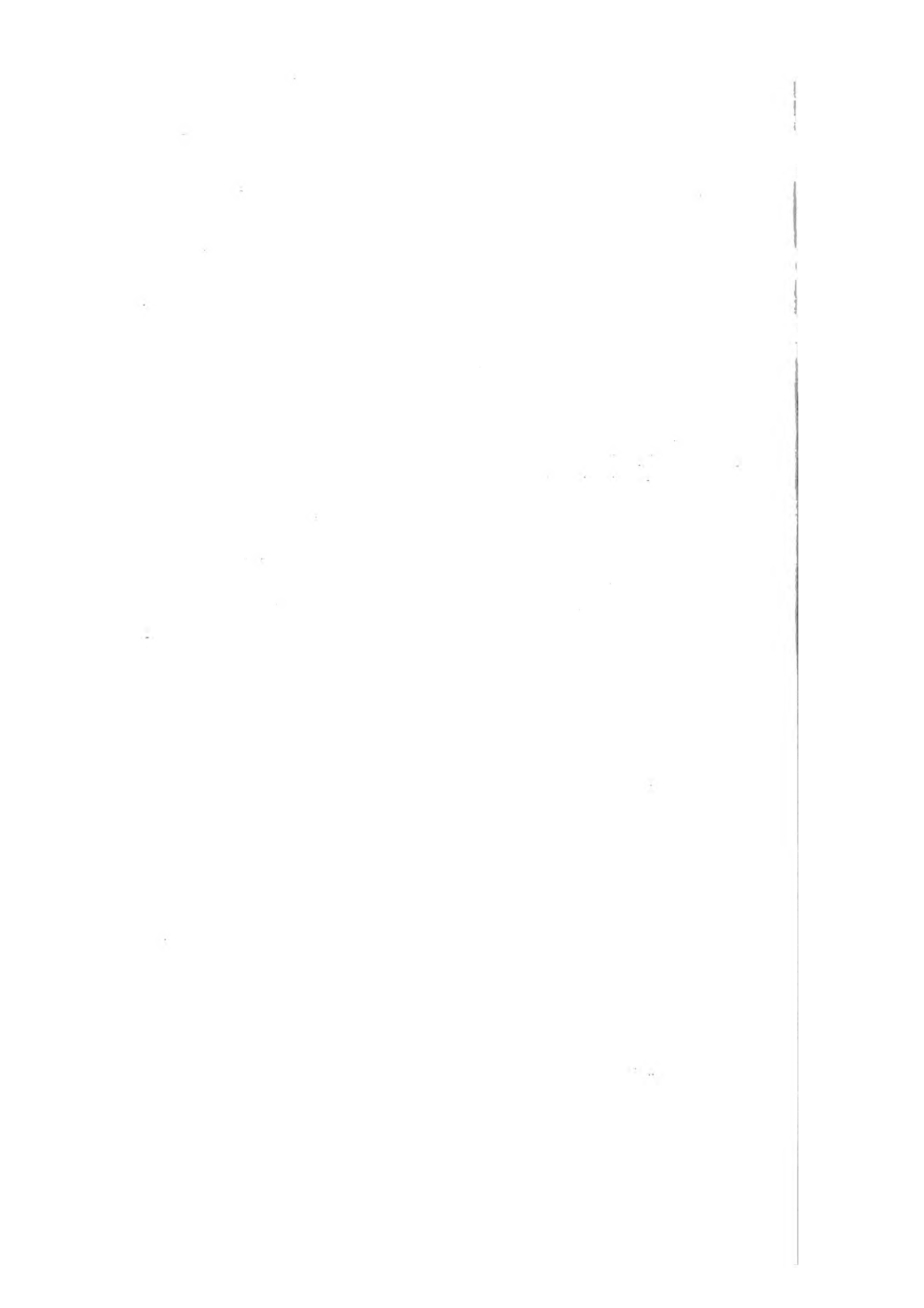
Tuberculosis Prevention (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Expenses of county councils.
2. Contributions by county councils to common hospitals and dispensaries.
3. Transfer to county councils of hospitals provided under the Public Health Acts.
4. Persons who may be received in county council hospitals.
5. Sites for dispensaries.
6. Repeal, commencement, short title, and construction.

SCHEDULE.



A

B I L L

INTITULED

An Act to prevent the Spread and provide for the A.D. 1912.
Treatment of Tuberculosis; and for other purposes
connected therewith.

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:—

5 **1.**—(1) The provisions of Part II. of the Tuberculosis Pre-
vention (Ireland) Act, 1908 (in this Act referred to as the Expenses
of county
councils.
principal Act), with respect to the classification of expenses of
county councils as establishment expenses and patients' expenses
shall cease to have effect, and all expenses of a county council
10 under the principal Act or this Act shall be raised by means
of the poor rate, and as respects the expenses of the council of
any county other than a county borough as a county-at-large
charge.

(2) A county council, for the purpose of defraying expenses
15 incurred by them in the execution of the principal Act or this
Act in the financial year ending the thirty-first day of March
nineteen hundred and thirteen, for the payment of which pro-
vision was not made in their estimates for that year, may,
subject to the approval of the Local Government Board, borrow
20 money temporarily as for the purposes of section four of the
principal Act, or otherwise as the Local Government Board may
sanction.

(3) Sections seven and ten of the principal Act shall cease
to have effect.

A.D. 1912.
Contributions by county councils to common hospitals and dispensaries.

2.—(1) The county councils providing a common hospital or dispensary under Part II. of the principal Act shall contribute to the expenses thereof in such proportions as may be agreed upon, or in default of agreement in such proportions as may be determined by the Local Government Board. 5

(2) Section nine of the principal Act shall cease to have effect.

Transfer to county councils of hospitals provided under the Public Health Acts.

3.—(1) Any joint board constituted under the Public Health (Ireland) Acts, 1878 to 1907, for the provision of a hospital for the treatment of consumptives, may, with the consent of the Local Government Board, enter into and carry into effect an agreement for the transfer of the hospital and the property held or used in connexion therewith to the council of any county or to the councils of any two or more counties jointly for the purposes of Part II. of the principal Act, and the Local Government Board may, after due inquiry, make under their seal such orders as may be necessary to enable the agreement to be carried into effect. 10 15

(2) An order of the Local Government Board under this section may amongst other things provide for the dissolution of the joint board, and the repeal or amendment of any provisional order relating to that board, and may apportion and adjust any property, income, debts, liabilities, and expenses of any area or authority affected by the transfer, and shall contain such consequential provisions with respect to the settlement of differences, payment of sums and otherwise as to the Local Government Board may seem necessary. 20 25

(3) For the purpose of paying any sum in pursuance of an order under this section a local authority may borrow in the case of a county council as for the purposes of section four of the principal Act, and in the case of the council of any county district as for the purposes of the Public Health (Ireland) Acts, 1878 to 1907. 30

(4) The provisions of any order made under this section shall have effect as if enacted in this Act. 35

Persons who may be received in county council hospitals.

4. It is hereby declared that a person suffering from tuberculosis may be admitted to and maintained and treated in any hospital provided under Part II. of the principal Act, notwithstanding that he is not an inhabitant of a county the council of which has provided or has joined in providing the hospital. 40

[2 & 3 GEO. 5.] *Tuberculosis Prevention (Ireland).*

3

5.—(1) The Local Government Board may place any land vested in them at the disposal of a county council as a site for a hospital or dispensary to be provided under Part II. of the principal Act, and may convey the land to the county council for that purpose upon such terms and conditions as they think proper.

A.D. 1912.
Sites for
dispensaries.

(2) Before any land is dealt with under this section the Local Government Board shall give public notice by advertisement in the locality in which the land is situate, and if objection in writing is made to the proposal by any person interested in the land, the land shall not be placed at the disposal of a county council unless a public inquiry has been held in the locality in which the land is situate and the person holding such inquiry reports to the Local Government Board in favour of the land being so dealt with.

6.—(1) The enactments specified in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Repeal, com-
mencement,
short title,
and con-
struction.

(2) This Act shall be construed as one with the principal Act, and may be cited as the Tuberculosis Prevention (Ireland) Act, 1913; and this Act and the principal Act may be cited together as the Tuberculosis Prevention (Ireland) Acts, 1908 and 1913.

A.D. 1912.

SCHEDULE.**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.	
8 Edw. 7. c. 56	The Tuberculosis Prevention (Ireland) Act, 1908.	Section seven. Subsection (2) of section eight. Section nine. Section ten. In section thirteen, paragraph (b). Subsection (3) of section fifteen.	5 10

[2 & 3 GEO. 5.] *Uniform Time (Ireland)*. [H.L.] 1

A
B I L L

INTITULED

An Act to extend the Application of Greenwich Time to Ireland. A.D. 1912.

WHEREAS it would be conducive to the convenience of the public that the time kept in Ireland should be the same as that kept in England and Scotland:

Be it therefore enacted by the King's most Excellent Majesty, 5 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:—

1. The official time to be kept in Ireland and in all public places and works therein shall be Greenwich time, and, notwithstanding anything to the contrary contained in the Statutes (Definition of Time) Act, 1880, whenever any expression of time occurs in any Act of Parliament or in any rule, regulation, proclamation, or other document issued by or under any legal authority or in any deed or other legal instrument, the time 15 referred to shall in the case of Ireland be deemed and held to be Greenwich time.

Application of Greenwich time to Ireland.

2. This Act shall come into operation on the first day of January nineteen hundred and thirteen, and may be cited as the Uniform Time (Ireland) Act, 1912. Commencement and short title.

Uniform Time (Ireland) Bill. [H.L.]

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD ASHBY ST. LEDGERS.

Clause 1, page 1, line 7, leave out from (“ follows ”) to (“ whenever ”) in line 11.

line 12, leave out from (“ Parliament ”) to (“ deed ”) in line 14.

line 15, after (“ Ireland ”) insert (“ (unless it is otherwise specifically stated) ”)

line 16, after (“ Greenwich ”) insert (“ mean ”)

After Clause 1, insert the following new clause :

. In section one of the Statutes (Definition of Time) Act, 1880, the words “ and in the case of Ireland, Dublin mean time ” are hereby repealed. Amendment
of 43 &
44 Vict. c. 9.

Leave out the preamble.

Preamble.

(85 a)

Uniform Time (Ireland)
Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD ASHBY ST. LEDGERS.

22nd July 1912.

LONDON:

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(85 a)

[2 & 3 GEO. 5.] *Uniform Time (Ireland)*. [H.L.]

1

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to extend the Application of Greenwich Time to Ireland. A.D. 1912.

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:—

- 5 **1.** Whenever any expression of time occurs in any Act of Parliament, deed or other legal instrument, the time referred to shall in the case of Ireland unless it is otherwise specifically stated be deemed and held to be Greenwich mean time. Application of Greenwich time to Ireland.
- 10 **2.** In section one of the Statutes (Definition of Time) Act, 1880, the words "and in the case of Ireland, Dublin mean time" are hereby repealed. Amendment of 43 & 44 Vict. c. 9.
- 3.** This Act shall come into operation on the first day of January nineteen hundred and thirteen, and may be cited as the Uniform Time (Ireland) Act, 1912. Commencement and short title.

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Chiddingfold and District Water East Surrey Water Henley-on-Thames Water and Wimborne Minster Water. A.D. 1912.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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:—

1. This Act may be cited as the Water Orders Confirmation Act 1912. Short title.

2. The several Orders as set out in the schedule to this Act annexed shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Orders in
schedule.

A.D. 1912.

SCHEDULE.LIST OF ORDERS.

- CHIDDINGFOLD AND DISTRICT WATER.—Order authorising the Chiddingfold and District Water Company Limited to maintain and continue and to construct waterworks and to supply water in the parishes of 5
Dunsfold and Chiddingfold and part of the parish of Witley in the county of Surrey.
- EAST SURREY WATER.—Order extending the limits of supply of the East Surrey Water Company authorising the Company to raise additional capital and for other purposes. 10
- HENLEY-ON-THAMES WATER.—Order extending the limits of supply of the Henley-on-Thames Water Company Limited authorising the Company to construct new waterworks and to raise additional capital and for other purposes.
- WIMBORNE MINSTER WATER.—Order empowering the Wimborne Minster 15
Waterworks Company Limited to raise further capital to extend the area of supply and for other purposes.
-

CHIDDINGFOLD AND DISTRICT WATER.

A.D. 1912.

Order authorising the Chiddingfold and District Water Company Limited to maintain and continue and to construct waterworks and to supply water in the parishes of
 5 *Dunsfold and Chiddingfold and part of the parish of Witley in the county of Surrey.*

Chiddingfold
and District.*Preliminary.*

1. This Order may be cited as the Chiddingfold and District Water Order 1912. Short title.
- 10 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
- 15 3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order. And the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the
 20 Undertakers laid down or constructed before the commencement of this Order as to any pipes or works which may be laid down or constructed under the authority of this Order. Incorporation of Acts.
- 25 4. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.
- 30 In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections as varied by the amended plans and sections deposited for the purposes of this Order.
5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the whole of the parishes of Dunsfold and Chidding-
 35 fold and so much of the parish of Witley as is coloured blue on the map signed in duplicate by an assistant secretary of the Board of

A.D. 1912. Trade one copy whereof has been deposited in the Parliament Office
Chiddingfold and District. House of Lords and the other at the offices of the Undertakers.

Where
 Undertakers
 not furnish-
 ing sufficient
 supply local
 authority or
 company
 may supply.

6. If at any time after the expiration of three years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of pure and whole- 5
 some water in accordance with the provisions of this Order in any part of the district of any local authority included within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or 10
 any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to 15
 supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade. 20

Undertakers.

Undertakers. 7. The Chiddingfold and District Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital. 8. The share capital of the Undertakers for the purposes of the water undertaking authorised by this Order shall not exceed fifteen thousand pounds consisting of the original share capital already raised by the Undertakers of five thousand and fifty-four pounds (in this Order referred to as "the original capital") and of additional share capital not 30
 exceeding nine thousand nine hundred and forty-six pounds (in this Order referred to as "the additional capital") unless the Undertakers are hereafter authorised to raise for the purposes of their water undertaking further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. 35

Application of money. 9. All money raised under this Order shall be applied only to purposes to which capital is properly applicable.

Limits of dividend on capital.

10. The Undertakers shall not in any year declare or make out of their profits any larger dividends than seven pounds upon every one hundred pounds actually paid up of the original capital and seven pounds 40

[2 & 3 GEO. 5.] *Water Orders Confirmation.* 5

upon every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

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5 11. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in
10 the dividends payable on each class.

Dividends on different classes of ordinary shares to be paid proportionately.

12. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking authorised by this Order shall not at any time exceed in the whole one third of the amount of the paid-up capital of the Undertakers at the time actually raised by the
15 issue of shares and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

Lands.

20 13. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking authorised by this Order and they may by agreement purchase take on lease acquire and use any other lands and any easements rights or privileges (not being
25 easements rights or privileges to take water in which persons other than the grantors have an interest) in over or affecting any lands which they may require for such purposes Provided always that they shall not create or permit a nuisance on any lands held by them and that they shall not at any time purchase for such purposes more than ten acres of land.

Power to use and acquire lands and easements.

30 14. 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 Order grant to the Undertakers 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
35 purposes of this Order 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 applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements.

40 15. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and

Power to erect &c. cottages for

A.D. 1912. buildings for the officers and servants employed by the Undertakers for
 the purposes of their undertaking.
Chiddingfold and District.
 officers and servants.

Works.

Power to maintain and construct waterworks and to supply water.

16. The Undertakers may in upon or under the lands or in or under the streets roads or highways in upon or under which the same are respectively situate but as regards such lands only if and so long as they are possessed of the same or of any necessary rights or easements entitling them so to do maintain continue alter enlarge renew and improve their existing waterworks hereinafter described The existing waterworks hereinbefore referred to are situate in the county of Surrey and are :—

Work No. 1 A well and pumping station as now existing situate in the parish of Witley in the north side of the enclosure numbered 527 in the said parish on the 25-inch Ordnance map of Surrey (second edition 1897) sheet XXXVIII-9 : 15

Work No. 2 A well as now existing situate in the parish of Witley in the said enclosure about one and a half chains in a northerly direction from the well and pumping station (Work No. 1) hereinbefore described :

Work No. 3 A tank or reservoir as now existing with the pipe leading thereto situate in the parish of Witley in the north-east corner of the field or enclosure numbered 530 in the said parish on the before-mentioned Ordnance map sheet XXXVIII-9 : 20

Work No. 4 A line or lines of pipes as now existing situate wholly in the parish of Witley commencing at the well and pumping station (Work No. 1) hereinbefore described and terminating in the north side of the tank or reservoir (Work No. 3) hereinbefore described : 25

Work No. 5 A well and pumping station as now existing situate in the parish of Dunsfold in the field or enclosure numbered 201 in the said parish on the before-mentioned Ordnance map sheet XLVI-1 ; 30

Work No. 6 A well as now existing situate in the parish of Dunsfold in the said field or enclosure numbered 201 in the said parish on the before-mentioned Ordnance map sheet XLVI-1 about two chains measured in a south-westerly direction from the well and pumping station (Work No. 5) hereinbefore described : 35

Work No. 7 A tank or reservoir as now existing situate in the parish of Dunsfold in the south-east portion of the field or enclosure numbered 231 in the said parish on the before-mentioned 40

Ordnance map sheet XLVI-1 at a point one and a half chains, or thereabouts measured in a north-westerly direction from the south-east corner of that enclosure :

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and District.*

- 5 Work No. 8 A line or lines of pipes as now existing situate in the parishes of Chiddingfold and Dunsfold commencing in the parish of Chiddingfold at the termination of the line of pipes (Work No. 15) hereinafter described and terminating in the parish of Dunsfold at the point of intersection of the road from Burningfold Farm to Durfold and the road from Loxley Bridge to the said farm :
- 10 Work No. 9 A line or lines of pipes as now existing situate wholly in the parish of Dunsfold commencing on the south side of Loxley Bridge at a point in the road leading from Dunsfold to Durfold twenty yards or thereabouts measured in a south-westerly direction from the centre of the said bridge and terminating in the west side of the reservoir (Work No. 7) hereinbefore described :
- 15 Work No. 10 A line or lines of pipes as now existing situate wholly in the parish of Dunsfold commencing at the well (Work No. 5) hereinbefore described and terminating in the north side of the reservoir (Work No. 7) hereinbefore described :
- 20 Work No. 11 A line or lines of pipes as now existing situate wholly in the parish of Dunsfold commencing by a junction with the line of pipes (Work No. 9) hereinbefore described at a point in the road leading from Rickhurst to Furnace Bridge ten yards or thereabouts measured in a westerly direction from the north-western boundary of the field or enclosure numbered 252 in the said parish on the before-mentioned Ordnance map sheet XLVI-1 and terminating in the road leading from Dunsfold to Loxwood at a point in that road twenty-five yards or thereabouts measured in a southerly direction from the southern corner of the field or enclosure numbered 532 in the said parish on the said Ordnance map sheet XLVI-5 :
- 25 Work No. 12 A line or lines of pipes as now existing situate wholly in the parish of Dunsfold commencing by a junction with the line of pipes (Work No. 11) hereinbefore described at a point in the said road leading from Dunsfold to Loxwood two and a half chains or thereabouts measured in a southerly direction from the north-east corner of the field or enclosure numbered 504 in the said parish on the before-mentioned Ordnance map sheet XLVI-5 and terminating in the road leading from Rickhurst to Furnace Bridge at a point half a chain or thereabouts measured in an easterly direction from the
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- 35
- 40

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and District.

north-east corner of the field or enclosure numbered 444 in the said parish on the said Ordnance map sheet XLV-8 :

Work No. 13 A line or lines of pipes as now existing situate wholly in the parish of Dunsfold commencing by a junction with the line of pipes (Work No. 9) hereinbefore described at a point in the public footpath leading from Dunsfold to Loxley Bridge two and a half chains or thereabouts measured in a south-easterly direction from the north-east corner of the field or enclosure numbered 339 on the before-mentioned Ordnance map sheet XLV-4 and terminating in the road leading from Gratton Corner to St. Mary's Church within the said parish at a point one and a half chains or thereabouts measured in a northerly direction from the north-west corner of the field or enclosure numbered 308 in the said parish on the said Ordnance map sheet XLV-4 :

And the Undertakers may maintain continue alter enlarge renew and improve any mains or pipes already laid down in connection with the before-mentioned works or any of them.

Subject to the provisions of this Order the Undertakers may also in upon or under the lands or in or under the streets roads or highways in upon or under which the same are shown on the deposited plans but as regards such lands only while they are possessed of the same or of any necessary rights or easements entitling them so to do make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the new works hereinafter described.

The new works authorised by this Order are situate in the parishes of Witley and Chiddingfold in the county of Surrey and are as follows :—

Work No. 14 A line or lines of pipes wholly situate in the parish of Witley commencing at the well (Work No. 1) hereinbefore described and terminating in the south side of the reservoir (Work No. 16) hereinafter described :

Work No. 15 A line or lines of pipes situate in the parishes of Witley and Chiddingfold commencing in the parish of Witley at the reservoir (Work No. 16) hereinafter described and terminating at High Street Green in the parish of Chiddingfold by a junction with the line of pipes (Work No. 8) hereinbefore described :

Work No. 16 A tank or reservoir situate in the parish of Witley in the south-west portion of the field numbered 705 in the said parish on the 25-inch Ordnance map of Surrey (second edition

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1897) sheet XXXVIII-13 at a point two and a half chains or thereabouts measured in a north-easterly direction from the south-west corner of that field. A.D. 1912.
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In addition to the foregoing works the Undertakers may upon any
5 lands upon which they are entitled under this Order to construct or maintain such works make and maintain all such cuts channels catch-waters tunnels adits pipes conduits culverts drains sluices bye-washes shafts wells bores water towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches
10 engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them and (subject to the consent of any road authority and person affected) telegraphs and telephones necessary or convenient in connection with the before-mentioned works or any of them Provided that no
15 mains tubes electric and other wires and apparatus laid down under the provisions of this Order shall be used for the transmission of telegrams within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Subject to the provisions of this Order the Undertakers may collect
20 impound take use divert and appropriate for the purposes of their water undertaking all such springs streams or waters as may be intercepted by the works by this Order authorised to be constructed or maintained and may supply and sell water for domestic and other purposes within the limits of supply.

25 17. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation Limits of deviation.
shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may deviate vertically from the levels shown on the deposited
30 sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of the other works three feet upwards and ten feet downwards Provided always that the Undertakers may in constructing such works or any of them in or upon the lands shown on the deposited plans which for the
35 time being belong to or are leased to or have been acquired by them under the provisions of this Order. deviate beyond such limits laterally and vertically to such extent as they may think necessary Provided also that the Undertakers shall not raise any aqueduct or line of pipes above the surface of the ground unless so shown on the deposited
40 sections and then only to the extent so shown.

18. The new works authorised by this Order shall be commenced Completion of works.
constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870

- A.D. 1912. *Chiddingfold and District.* Provided always that subject to the restrictions and provisions of this Order the Undertakers may alter enlarge renew deepen improve and extend their engines machinery tanks wells filters pipes mains connections and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply. 5
- Limiting powers of Undertakers to abstract water. 19. The Undertakers 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 Order or some Act of Parliament.
- Detection of waste. 20. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Undertakers shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. 10 15 20
- Power to lay pipes in streets not dedicated to public use. 21. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises within the limits of supply of the Undertakers abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and may lay and take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Waterworks Clauses Acts 1847 and 1863 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. 25 30
- For protection of Surrey County Council. 22. For the protection of the county council of the administrative county of Surrey (in this section called "the county council") the following provisions shall notwithstanding and in addition to any other provisions in this Order contained unless otherwise agreed in writing between the county council and the Undertakers obtain and have effect (that is to say):— 35
- (1) It shall not be lawful for the Undertakers to supply water derived from any source in the county of Surrey in bulk or otherwise beyond or for use beyond the limits of that county: 40

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*Chiddingfold
and District.*
- 5 (2) The Undertakers shall unless prevented by unavoidable cause
or accident or during necessary repairs whenever required
by the county council supply to any public authority within
the limits of supply water by measure for the purposes set
10 forth in section 37 of the Waterworks Clauses Act 1847
and also shall subject as aforesaid supply water by measure
to court-houses police-stations and to school-houses of
elementary schools (as defined by the Elementary Education
Act 1870) and to schools of art technical institutions and
15 other higher educational institutions provided or aided by
the county council at a fixed rate not exceeding one shilling
and ninepence per thousand gallons (exclusive of meter
rent) Provided always that the Undertakers shall not
be bound to supply water for the purposes in this sub-
section mentioned unless such supply as aforesaid is
required in or adjoining any street in which a main or
pipe of the Undertakers is or shall be laid and if and so
long as such supply would in any way interfere with or
unduly diminish the supply for domestic purposes within
20 the limits of supply :
- (3) All aqueducts conduits or lines of pipes to be laid in or along
any main road or in upon or across any county or main road
bridge and the approaches thereto shall be laid in such
position in or at the side thereof as the county council in
25 writing under the hand of their surveyor may reasonably
direct :
- (4) The provisions of section 30 of the Waterworks Clauses Act 1847
with respect to the breaking up of streets for the purpose of
laying pipes shall so far as relates to all main roads and
30 county or main road bridges opened and broken up or
interfered with by the Undertakers in the exercise of the
powers of this Order (except for laying connecting or
repairing consumers' service pipes as to which three days'
notice shall be given and except in cases of accidental leakage
or burst or other emergency in which cases no notice shall
35 be required) be read and have effect as if seven clear days
were substituted therein for three clear days :
- (5) The plan required by the thirty-first section of the last-mentioned
Act shall be accompanied by a section of the proposed works
40 and shall be delivered to the county council or their surveyor
by the Undertakers not less than in the case of a bridge
one month and in all other cases fourteen days before they
commence to open or break up any main road or interfere
with any county or main road bridge for the purpose of
45 executing the works :

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 and District.

- (6) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the county council which consent may be given upon such conditions (not being a money payment) as the county council 5 or such surveyor may reasonably determine :
- (7) The Undertakers shall not permit any trench made by them in any main road or county or main road bridge to be open for more than fifty yards in length at any place where only one cart can pass at the side of such trench or for more than 10 one hundred yards in length where only two carts can pass at the same time :
- (8) Where any pipe conduit or other work of the Undertakers is to be laid or constructed beneath the surface of any such road or bridge as aforesaid the same shall if possible be 15 laid or constructed at such a depth that not less than three feet shall intervene between the surface of such road or bridge and the upper surface of any such pipe conduit or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be deter- 20 mined by arbitration as hereinafter in this section provided :
- (9) If the county council alter or divert any such road or rebuild or alter any such bridge the Undertakers shall in case of the alteration or diversion of any such road alter or remove the pipe conduit or other work of the Undertakers 25 laid in under through or by the side of any such road into the road as so altered or diverted and in the case of any rebuilding or alteration of any such bridge the Undertakers shall alter and remove any pipe conduit or other work of the Undertakers so far as may be reasonably 30 necessary for the rebuilding or alteration of the said bridge or for securing the safety of the said pipe conduit or work and the continuance of the supply given through or by the same All such works shall be executed by the Undertakers under the superintendence (if the same be given) and in 35 accordance with the reasonable directions of the surveyor of the county council Provided that before such alteration diversion or rebuilding of any such road or bridge shall be commenced the county council shall (except in cases of emergency) give fourteen days' notice in writing to the 40 Undertakers of their intention to carry out such works and shall at their own expense afford all reasonable facilities for temporarily carrying the said pipes conduits or other works along such road or across or under the stream

Provided also that all expense reasonably incurred by the Undertakers under the provisions of this subsection in altering the position of such pipes conduits or other works shall be paid to them by the county council except so far as such expense is incurred consequent upon the alteration or rebuilding of any county or main road bridge :

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and District.*

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(10) If the Undertakers in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 it shall be lawful for the county council after reasonable notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence :

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(11) If any difference at any time arises between the county council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be referred to and settled by an engineer to be appointed in default of agreement by the Board of Trade on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

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23. For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Undertakers apply and have effect:—

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For protec-
tion of Lon-
don and
South West-
ern Railway
Company.

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(1) In laying down altering improving enlarging extending maintaining repairing or renewing any mains pipes or other works in the exercise of the powers contained in this Order upon across under over or in any way affecting the railways lands and property now belonging to the South Western Company or any lands or property now used or occupied by them or the bridges approaches viaducts stations or other works or any level crossings over the railways of the South Western Company (hereinafter referred to as "the railway works") the same shall except in cases of emergency be done under the superintendence (if the same be given) and to the reasonable satisfaction of the chief engineer of the South

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Western Company and only according to plans submitted to and previously reasonably approved by him in writing and in such manner as shall be so approved by him or in case of difference as may be determined by arbitration in manner hereinafter provided Provided that if the said 5
 engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within twenty-one days after the same are delivered to him he shall be deemed to have approved thereof Provided also that where 10
 in the opinion of the said engineer there is not a reasonably sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of any such bridge the South Western Company may require such mains or pipes to be carried below outside or (if reasonably 15
 required by them) independently of the structure of any such bridge and shall afford all reasonable facilities for the purpose :

- (2) All such works shall be done by and at the expense of the Undertakers who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over 20
 any bridge or over any level crossing of the railways of the South Western Company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Undertakers Provided always that if the South 25
 Western Company within twenty-one days after the receipt by them of notice of the intention of the Undertakers to lay any mains or pipes under or across any level crossing on their railways elect by notice in writing to the Undertakers so to do they may themselves lay any such mains 30
 and pipes under or across such level crossing under the superintendence and to the reasonable satisfaction of the Undertakers' engineer and the amount reasonably expended by the South Western Company in so doing shall be repaid 35
 to them by the Undertakers but if for fourteen days after any such notice is given by the South Western Company to the Undertakers the South Western Company neglect to proceed with due diligence to lay such mains or pipes the Undertakers may forthwith lay the same :
- (3) All such works and operations and all matters incidental thereto 40
 shall be constructed executed and done so as to cause as little injury as may be to the railway works and so as not to cause any interruption to the passage or conduct of traffic on the railways of the South Western Company and so as to obstruct

as little as possible the access to any passenger station of the South Western Company :

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- 5 (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works or operations of the Undertakers or the bursting leakage or failure of any of the mains pipes or works of the Undertakers in under over or near to the railway works the Undertakers shall make compensation to the South Western Company in respect thereof and the amount of such compensation unless agreed upon shall be determined by arbitration in the manner hereinafter provided :
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- 15 (5) The Undertakers shall give twenty-one days' notice in writing to the South Western Company before commencing any works affecting the railway works except in cases of emergency and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen :
- 20 (6) All mains or pipes and other works of the Undertakers upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put the same into good repair and if the Undertakers for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity therefor the South Western Company may without any further notice to the Undertakers repair the same and all costs and expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such main pipe or other work as aforesaid being in want of repair the South Western Company may without giving such notice as aforesaid execute such repairs as may be immediately necessary Provided also that the South Western Company shall as soon as possible give notice to the Undertakers of their intention to execute the same and any reasonable costs and expenses to which the South Western Company may be put by reason of any such repairs shall be repaid to them by the Undertakers :
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- 40 (7) The Undertakers shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence

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 and District.*

by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway works with reference to and during such construction and repair so far as such costs may in case of difference be determined by arbitration as hereinafter 5 provided to have been necessary but such superintendence by the South Western Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents or workmen : 10

(8) If at any time it is found necessary in order to enable the South Western Company under their existing powers to carry out any alterations renewals repairs or extensions of their railway or works to alter the position of the said mains pipes or works the Undertakers shall on receiving 15 notice in writing from the South Western Company so to do at their own cost and to the reasonable satisfaction of the engineer of the South Western Company alter the position of the said mains pipes or works or temporarily support the same so far as may be necessary to enable the South Western 20 Company to carry out such alterations renewals repairs or extensions of their railway or works and the provisions of this section shall apply to the said mains pipes or works in their altered position :

(9) Any dispute or difference which may arise between the South 25 Western Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed failing agreement by the President of the 30 Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

Differences
 with road
 authority or
 railway or
 other com-
 pany.

24. If any difference arise between the Undertakers and any road 35 authority railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or 40 as to any other matter herein referred to the same shall unless otherwise provided by this Order be settled by an engineer to be appointed by the Board of Trade at the request of either party and subject as aforesaid the provisions of [the Arbitration Act 1889 shall apply to any such reference to arbitration.

Supply.

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25. The water supplied by the Undertakers shall be laid on constantly under pressure but need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular service reservoir or tank from which the supply is to be taken.

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and District.*
Limits of
pressure.

26. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding ten pounds per centum per annum of the rateable value of the premises supplied and so in proportion for any shorter period than a year :

Rates for
domestic
supply.

15 Provided that the Undertakers shall not be compellable to furnish any such supply as aforesaid for any less sum than eight shillings and eight pence in any one year.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues or if there is no such rate in force by the last rate made for the relief of the poor :

25 Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

27.—(A) The Undertakers may make byelaws for the purpose of preventing waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

Byelaws for
preventing
waste of
water.

(B) Such byelaws shall apply only in the case of premises to which the Undertakers are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(c) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 185 of the Public Health Act 1875 and

A.D. 1912. all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Undertakers were a local authority within the meaning of those sections and the secretary of the Undertakers were the clerk of the local authority. 5

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(D) A copy of all such byelaws in force for the time being shall be kept at the office of the Undertakers All persons may at all reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy. 10

(E) In case of failure of any person to obey such byelaws as are for the time being in force the Undertakers may if they think fit after forty-eight hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Undertakers as the water rates in respect of the premises are recoverable. 15 20

Rates payable by owners of small houses.

28. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. 25

Supply by measure.

29. The Undertakers may supply water for other than domestic purposes on such terms and conditions as the Undertakers think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. 30 35

Supply to houses partly used for trade &c.

30. The Undertakers shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. 40

Price of supply by measure.

31. The price to be charged for a supply of water by measure shall not exceed two shillings and threepence per thousand gallons.

32. The Undertakers may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration
 5 and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or persons supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would
 10 interfere with the supply of water for domestic purposes within the limits of supply.
33. The Undertakers may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. A.D. 1912.
Chiddingfold
and District.
Contracts for
supplying
water in bulk.

Power to sell
or let meters.
- 15 The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Undertakers to let for hire any water fittings to any person supplied by them with water.
- 34.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair
 20 or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work
 25 shall be paid by the person requiring the same. Power to
supply
fittings.
- (2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose
 30 possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.
- 35 The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Undertakers
not bound to
supply several
houses by
one pipe.
- 40 36. A notice to the Undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Undertakers. Notice of
discon-
tinuance.

- A.D. 1912. 37. Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. 5
- Chiddingfold and District.*
Notice to Undertakers of connecting or disconnecting meters.
38. 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 or rent is charged and sought to be recovered by the Undertakers Provided always that if the Undertakers 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 the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. 15
- Register of meter to be *prima facie* evidence.
39. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of such houses had been separately supplied with water from the works of the Undertakers by a distinct pipe Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house. 20
- When several houses supplied by one pipe each to pay.
40. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any persons on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier so taking or using the water be in respect of the tenement so occupied by him rated under this Order for a supply of water. 30
- Supply of water to tenements in a row.
41. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds. 35
- Misuser where supply to several houses is by a pipe common to all.
42. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with the consent of the Undertakers" were inserted after the words "with the consent" in section 44. 40
- Amendment of 10 & 11 Vict. c. 17. s. 44.

[2 & 3 GEO. 5.] *Water Orders Confirmation.* 21

“ in writing of the owner or reputed owner of any such house or of
 “ the agent of such owner ” were omitted therefrom Provided always
 that any rent paid by an occupier in pursuance of the provisions of
 the said section may be deducted by such occupier from any rent
 5 from time to time due by him to such owner.

A.D. 1912.
 Chiddingfold
 and District.

43. For the protection of the mayor aldermen and burgesses of
 the borough of Godalming (in this section referred to as “the
 corporation”) the following provision shall unless otherwise agreed in
 writing between the corporation and the Undertakers have effect
 10 (that is to say):—

For pro-
 tection of
 Godalming
 Corporation.

The Undertakers shall not directly or indirectly supply water in
 bulk or otherwise within or for use within the area in which
 the corporation are by any Act of Parliament or Provisional
 Order now authorised to supply water.

15 44. The Undertakers shall within one year of the commencement
 of this Order lay down the necessary pipes and furnish in accordance
 with the provisions of this Order a supply of water for domestic use
 to such of the premises known as Prestwick Little Prestwick Farm Little
 Prestwick House and High Prestwick adjoining Prestwick Lane in the
 20 parish of Chiddingfold the owners or occupiers whereof shall execute
 an agreement binding themselves to pay to the Undertakers for three
 successive years at least for the water supplied at the rates specified in
 this Order or in the event of such rates in any such year being less in
 the aggregate than thirty pounds then the sum of thirty pounds for such
 25 year but the Undertakers shall not be required to give a constant supply
 to the premises to which they are bound to furnish a supply under this
 section but shall keep the water laid on so as to give a supply to the
 premises the owners or occupiers of which shall have entered into the
 said agreement for at least two hours every day Provided always that
 30 if a requisition shall be made on the Undertakers to give a supply under
 the provisions of section 35 of the Waterworks Clauses Act 1847 as varied
 by this Order the Undertakers may calculate as against the party or
 parties making such requisition the expenses incurred by the Under-
 takers in providing and laying down pipes to give such constant supply
 35 as if any pipes or works laid down for the purpose of furnishing a
 supply under this section had been provided and laid down in pursuance
 of such requisition.

For prot e-
 tion of W. G
 Jackson
 A. Ransom
 A. H. Jack-
 son and W. J.
 H. Whittall.

Penalties.

45. Every person who wilfully fraudulently or by culpable negli-
 40 gence injures or suffers to be injured any pipe meter or other instrument
 for measuring water or any fittings belonging to the Undertakers or who
 fraudulently alters the index to any meter or other instrument for
 measuring water or prevents any meter or other instrument for measuring

Injuring
 meters &c.

A.D. 1912. water from duly registering the quantity of water supplied or fraudulently
 — abstracts consumes or uses water of the Undertakers shall (without
Chiddingfold prejudice to any other right or remedy for the protection of the Under-
and District. takers) be liable to a fine not exceeding five pounds and the Undertakers
 may in addition thereto recover the amount of any damage by them 5
 sustained and in any case in which any person has wilfully fraudulently
 or by culpable negligence injured or suffered to be injured any pipe
 meter or fittings belonging to the Undertakers or has fraudulently
 altered the index to any meter or other instrument for measuring water
 or prevented any meter from duly registering the quantity of water 10
 supplied or has fraudulently abstracted consumed or used water of the
 Undertakers the Undertakers may also enter upon the premises occupied
 by the offender and repair such injury and do all such works matters and
 things as may be necessary for ensuring the proper registering by such
 meter of the quantity of water supplied by means thereof and the expense 15
 of such repair and of all such works matters and things shall be repaid to
 the Undertakers by the person so offending and may be recovered by
 them as water rates are recoverable and the existence of artificial means
 for causing such injury alteration or prevention or for abstracting con-
 suming or using water of the Undertakers when such pipe meter instru- 20
 ment or fittings is or are under the custody or control of the consumer
 shall be primâ facie evidence that such injury alteration prevention
 abstraction consumption or use as the case may be has been fraudulently
 knowingly and wilfully caused by the consumer using such pipe meter
 instrument or fittings. 25

Miscellaneous.

Temporary discharge of water into streams. 46. —(1) For the purpose of constructing enlarging extending
 repairing cleansing emptying or examining any of the works by this
 Order authorised to be constructed or maintained the Undertakers may
 cause the water in such works to be temporarily discharged into any 30
 available stream or watercourse.

(2) In the exercise of the power conferred by this section the
 Undertakers shall do as little damage as may be and shall make com-
 pensation to all persons for all damage sustained by them by the
 exercise of such power the amount of compensation to be settled in 35
 default of agreement by arbitration in accordance with the provisions
 of the Arbitration Act 1889.

As to communication pipes.

47. 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 40
 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.

48. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused
 5 it shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner:
- 10 Provided that except in case of emergency the Undertakers shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours previous notice of their intention so to enter.
- 15 49. If a person requiring a supply of water from the Undertakers has previously quitted premises at which water was supplied to him by the Undertakers without paying to them all water rates and other moneys due from him to the Undertakers they may refuse to furnish to him a supply of water until he pays the same.
- 20 50. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of
 25 distress for the recovery of such money.
51. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several sums.
- 30 52. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.
- 35 53. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

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Chiddingfold and District

Power to Undertakers to repair communication pipes.

Power to refuse supply to persons in debt for other premises.

Warrant of distress to include costs.

Several sums in one summons.

Liability to water rate not to disqualify justice from acting.

Costs of Order.

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EAST SURREY WATER.

East Surrey.

Order extending the limits of supply of the East Surrey Water Company authorising the Company to raise additional capital and for other purposes.

Preliminary.

5

Short title.

1. This Order may be cited as "the East Surrey Water Order 1912."

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") are (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of the existing Acts and Orders as hereinafter defined and of this Order) incorporated with this Order.

[2 & 3 GEO. 5.] *Water Orders Confirmation.*

25

For the purposes of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers.

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East Surrey.

4. In this Order—

Interpreta-
tion of terms.

- 5 The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction ;
- 10 The expression "the existing Acts and Orders" means and includes the Caterham Spring Water Company's Act 1862 (hereinafter referred to as "the Act of 1862") the Caterham Water Order 1873 the Caterham Spring Water Company's Act 1881 the East Surrey Water Act 1885 (hereinafter referred to as "the Act of 1885") the East Surrey Water Order 1894
- 15 the East Surrey Water Act 1896 (hereinafter referred to as "the Act of 1896") and the East Surrey Water Order 1900 ;
- The expression "the existing limits" means the area within which the Undertakers are by the existing Acts and Orders authorised to supply water ;
- 20 The expression "the new limits" means the area within which the Undertakers are by this Order authorised to supply water.

Undertakers.

5. The East Surrey Water Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Extension of Limits.

- 6.—(1) From and after the commencement of this Order the limits within which the Undertakers may supply water and exercise the powers conferred upon them by the existing Acts and Orders and this Order shall extend to and include (in addition to the existing limits) the portions of the parishes of Chelsham and Woldingham both in the rural district of Godstone in the county of Surrey hereinafter described (that is to say) :—

Extension of
limits of
supply.

- 35 [In the following descriptions the numbers of properties in each case refer to the numbers on the 25'06" Ordnance map (2nd edition).]

- (A) So much of the parish of Chelsham as lies between the boundary of the parish of Farley the boundary of the parish of Warlingham and the following boundary (that is to say)
- 40 Commencing at a point on the boundary of the parish of

(42) D

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Farley at the northernmost corner of the property numbered 19 in the parish of Chelsham and drawn thence along the easterly boundary of such property to the northernmost corner of the property numbered 32 in the said parish thence along the easterly boundary of the said property numbered 5 32 to a point opposite the north-western corner of the property numbered 35 in the said parish thence in an imaginary straight line to the said north-western corner of the property numbered 35 and along the northerly and easterly boundaries of that property to the south-eastern corner thereof thence 10 along the easterly boundary of the property numbered 142 in the said parish to the south-eastern corner thereof thence in a straight line to the south-eastern corner of the property numbered 162 in the said parish thence along the respective southerly boundaries of the said property numbered 162 15 and of the property numbered 155 in the said parish to the easternmost corner of the property numbered 163 in the said parish thence in a straight line to the north-western corner of the property numbered 194 in the said parish thence in a straight line to the centre of the road opposite 20 the south-eastern corner of the property numbered 179 in the said parish thence along the centre line of the said road to its point of intersection with the easterly boundary of the property numbered 167 in the said parish thence along such boundary to the southernmost corner of the last- 25 mentioned property thence along the southerly boundary of that property to the north-eastern corner of the property numbered 173 in the said parish thence along the easterly boundary of the said property numbered 173 to the angle where such boundary turns in a south-easterly direction 30 thence in a straight line across the said property numbered 173 to a point on the aforesaid boundary thereof adjoining the easternmost corner of the building situate in the northern corner of the property numbered 176 in that parish thence along the aforesaid easterly boundary of the said property 35 numbered 173 to the northernmost corner of the property numbered 173 in the said parish thence along the north-westerly boundary of the said property numbered 201 and the north-easterly and south-easterly boundaries of the property numbered 202 in the said parish to the southernmost 40 corner of the last-mentioned property thence in a straight line to a point in the centre of the roadway of the road leading from Croydon to Westerham situate at a distance of 137 yards or thereabouts measured along the centre line of the said roadway in an easterly direction from the footpath 45 numbered 211 in the said parish thence along the centre

line of the said roadway to the said footpath thence along the said footpath to a point on the most easterly boundary of the property numbered 212 in the said parish at a distance of 13 yards or thereabouts from the south-easternmost corner of that property and thence in a straight line to the south-eastern corner of the property numbered 234 in the parish of Warlingham and there terminating on the boundary of that parish:

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East Surrey.

- 5
- 10 (B) So much of the respective parishes of Chelsham and Woldingham as lies between the boundary of the parish of Warlingham the boundary of the parish of Godstone and the following boundary (that is to say) Commencing at a point on the boundary of the parish of Warlingham where the footpath leading to Woldingham station across the property numbered 364 in the parish of Chelsham intersects the said boundary
- 15 thence along the eastern boundary of the said footpath to and thence along the north-easterly and easterly side of the footpath leading across the said property numbered 364 and the property numbered 360 in the said parish to the northernmost corner of the property numbered 373 in the parish of Chelsham thence along the north-easterly boundary of the said property numbered 373 to the easternmost corner thereof thence in a straight line to a point on the northerly boundary of the property numbered 376 in the parish of Chelsham at a distance of ninety yards or thereabouts measured in a westerly direction from the northernmost corner of that property thence along the northerly and easterly boundaries of that property to the south-eastern corner thereof thence in a straight line to the north-eastern corner of the property numbered 2 in the parish of Woldingham thence along the easterly boundary of the said property numbered 2 to the centre of the road known as the Long Hill road and thence along the centre line of such last-mentioned road to the boundary of the parish of Godstone and there terminating on such boundary.
- 20
- 25
- 30
- 35

The area comprised within the new limits is more particularly delineated upon a map signed by an assistant secretary of the Board of Trade and deposited in the Parliament Office House of Lords and if there should be any difference between the description contained in this section and the area delineated upon such map the latter shall prevail.

(2) Subject to the provisions of this Order the Undertakers within the new limits shall have and may exercise all and the like powers privileges and authorities for and in relation to the supply of water

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East Surrey.

and shall be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits and the Undertakers may continue maintain and use any mains pipes and works laid down or constructed by them before the commencement of this Order in the new limits as if the same had been laid down and constructed by them under the powers of this Order and the provisions of this Order and of any Act incorporated therewith shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Order.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the new limits the rural district council of Godstone may provide a supply therein in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of the new limits to which the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such district council company body or person as to the sufficiency of the supply of water in any part of the new limits such difference shall be settled on the application of either party by the Board of Trade.

Differences with road authority or company or person.

8. If any difference arises between the Undertakers and any road authority railway canal or other company or person whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the new limits as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Rates and Charges.

Repeal of sections 26 27 and 29 of the Act of 1862 sections 27 31 and 32 of the Act of 1885 and sections 5 and 6 of the Act of 1886.

9.—(1) From and after the twenty-sixth day of March 1913 sections 26 27 and 29 of the Act of 1862 sections 27 31 and 32 of the Act of 1885 and sections 5 and 6 of the Act of 1896 shall be repealed and in lieu thereof the following provisions shall be in force and have effect.

Rates at which water is to be supplied for

(2) The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Undertakers shall be laid or of any person who

under the provisions of the existing Acts and Orders and this Order or any Act incorporated therewith respectively shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for their domestic uses at rates not exceeding the rates per annum hereinafter specified (that is to say):—

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 domestic
 purposes.

- Where the annual value of such house so supplied shall not exceed seven pounds ten shillings:
- 10 Where the same shall exceed seven pounds and not exceed eight pounds eleven shillings:
- Where the same shall exceed eight pounds and not exceed nine pounds twelve shillings:
- Where the same shall exceed nine pounds and not exceed ten pounds thirteen shillings:
- 15 Where the same shall exceed ten pounds and not exceed eleven pounds fourteen shillings:
- Where the same shall exceed eleven pounds and not exceed twelve pounds fifteen shillings:
- 20 Where the same shall exceed twelve pounds and not exceed thirteen pounds sixteen shillings:
- Where the same shall exceed thirteen pounds and not exceed fourteen pounds seventeen shillings:
- Where the same shall exceed fourteen pounds and not exceed fifteen pounds eighteen shillings:
- 25 Where the same shall exceed fifteen pounds and not exceed sixteen pounds nineteen shillings:
- Where the same shall exceed sixteen pounds and not exceed seventeen pounds twenty shillings:
- 30 Where the same shall exceed seventeen pounds and not exceed eighteen pounds twenty-one shillings:
- Where the same shall exceed eighteen pounds and not exceed nineteen pounds twenty-two shillings:
- Where the same shall exceed nineteen pounds and not exceed twenty pounds twenty-three shillings:
- 35 Where the same shall exceed twenty pounds and not exceed twenty-five pounds twenty-eight shillings:
- Where the same shall exceed twenty-five pounds and not exceed thirty pounds thirty-three shillings:
- 40 Where the same shall exceed thirty pounds and not exceed thirty-five pounds thirty-eight shillings:
- Where the same shall exceed thirty-five pounds and not exceed forty pounds forty-three shillings:

A.D. 1912. <i>East Surrey.</i>	Where the same shall exceed forty pounds and not exceed forty-five pounds forty-eight shillings :	
	Where the same shall exceed forty-five pounds and not exceed fifty pounds fifty-three shillings :	
	Where the same shall exceed fifty pounds and not exceed sixty pounds sixty shillings :	5
	Where the same shall exceed sixty pounds and not exceed seventy pounds sixty-seven shillings :	
	Where the same shall exceed seventy pounds and not exceed eighty pounds seventy-four shillings :	10
	Where the same shall exceed eighty pounds and not exceed ninety pounds eighty shillings :	
	Where the same shall exceed ninety pounds at a rate not exceeding four pounds ten shillings per centum per annum of such annual value.	15
Charges for water closets.	(3) In addition to the foregoing charges the Undertakers may charge the sums per annum hereinafter specified (that is to say) :—	
	(A) For every watercloset (beyond the first in respect of which no charge shall be made)—	
	Where the annual value of the premises upon which the same is situate does not exceed fifty pounds a sum not exceeding five shillings :	20
	Where the annual value of the premises upon which the same is situate exceeds fifty pounds a sum not exceeding seven shillings and sixpence.	25
Charges for baths.	(B) For every fixed bath capable of containing not more than fifty gallons—	
	Where the annual value of the premises upon which the same is situate does not exceed fifty pounds a sum not exceeding ten shillings :	30
	Where the annual value of the premises upon which the same is situate exceeds fifty pounds a sum not exceeding fifteen shillings :	
	And for every fixed bath capable of containing more than fifty gallons such sum as the Undertakers may think fit.	35
	Provided always that the Undertakers shall not be compelled to supply any watercloset or bath or the apparatus or pipes connected therewith unless the same shall be so constructed and used as to prevent the waste and undue consumption of water and the return of foul air and other noisome or impure matter into the mains or	40

[2 & 3 GEO. 5.] *Water Orders Confirmation.*

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other pipes belonging to or connected with the mains or pipes of the Undertakers. A.D. 1912.
East Surrey.

The Undertakers may demand and take in respect of a supply of water to any house as aforesaid and to such waterclosets and baths where the point at which the water shall be discharged or flow into such house or premises is situate at an altitude higher than four hundred feet above Ordnance datum rates and charges higher by not more than one fourth than the rates and charges hereinbefore specified and where the same is situate at an altitude higher than six hundred and fifty feet above Ordnance datum rates and charges higher by not more than one half than the rates and charges hereinbefore specified. High service charges.

The additional charges by this subsection authorised shall be paid quarterly in advance and shall be recoverable in all respects with and as the water rate.

(4) The Undertakers may supply water for other than domestic purposes on such terms and conditions as they may think fit and may by agreement supply water by measure either for domestic or other purposes and money payable for the supply of water by measure shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Supply by measure.

(5) The Undertakers may for water supplied by meter for public purposes (that is to say a supply for the purposes specified in section 37 of the Waterworks Clauses Act 1847) make a charge not exceeding tenpence per thousand gallons and for water supplied by meter for purposes other than public purposes a charge not exceeding two shillings per thousand gallons. Provided always that where water supplied by meter for purposes other than public purposes is delivered at a point higher than four hundred feet above Ordnance datum the Undertakers may make a charge not exceeding two shillings and sixpence per thousand gallons: Price of supply by measure and for building purposes.

Provided also that the charge for a supply of water required for the purpose of the erection of any building or part of a building shall not exceed the following rates per one hundred pounds of the contract price for the building and if there is no such contract price of the estimated total cost of the building (that is to say):—

Where the point at which the supply is required to be given is not higher than four hundred feet above Ordnance datum a rate not exceeding seven shillings and sixpence per one hundred pounds; and

Where such point is higher than four hundred feet above Ordnance datum a rate not exceeding ten shillings per one hundred pounds.

A.D. 1912. (6) Until the 26th day of March 1913 the Undertakers may demand
East Surrey. and take for water supplied by them for any purpose within the new
 limits rates and charges not exceeding those which for a like supply
 under like circumstances they are by the Act of 1885 authorised to
 demand and take within the parish of Farley. 5

Lands.

Purchase of
 lands by
 agreement.

10.—(1) In addition to any other lands which the Undertakers are
 under the existing Acts and Orders authorised to take or purchase the
 Undertakers may subject to the limitation mentioned in subsection (2)
 of this section from time to time purchase take on lease or otherwise 10
 acquire by agreement and use and hold for the general purposes of
 their undertaking any lands and any easements rights or privileges
 (not being an easement right or privilege of water in which persons
 other than the parties to the agreement have an interest) in over or
 under any lands which they may from time to time require and the 15
 Undertakers may on any lands acquired by them under this section
 execute for the purposes of or in connection with their undertaking
 any of the works (other than works for taking or intercepting water)
 and exercise any of the powers mentioned in or conferred by section 12
 of the Waterworks Clauses Act 1847: 20

Provided that the Undertakers shall not on any lands so acquired
 so long as the same are held by them create or permit a nuisance or
 erect or authorise the erection thereon of any houses or similar buildings
 except offices and dwellings for persons in their employ and such
 buildings as may be required for the purposes of or in connection 25
 with their undertaking.

(2) The total quantity of land held by the Undertakers at any one
 time under this section together with the total quantity of lands at
 the same time held by them under the provisions of section 20 of the
 Act of 1862 section 15 of the Caterham Spring Water Company's Act 30
 1881 section 6 of the Act of 1885 section 5 of the East Surrey Water
 Order 1894 and section 25 of the Act of 1896 shall not exceed 40 acres
 in the whole.

Persons
 under dis-
 ability may
 grant ease-
 ments &c.

11. Persons empowered by the Lands Clauses Acts to sell and convey
 or release lands may if they think fit subject to the provisions of the 35
 said Acts grant to the Undertakers any easement right or privilege
 (not being an easement right or privilege of water in which persons
 other than the grantors have an interest) 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 applicable in this behalf shall extend 40
 and apply to such grants and to such easements rights and privileges
 as aforesaid respectively.

12. The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them under the powers of this Order unless the works are authorised by and the lands upon which the same are to be constructed are specified in some future Provisional Order confirmed by Parliament or Act of Parliament.

A.D. 1912.
East Surrey.
Limiting
powers to
abstract
water.

13. The Undertakers may sell or demise and lease for any terms not exceeding twenty-one years or exchange or otherwise dispose of to such persons and in such manner as the Undertakers think fit any lands and property for the time being belonging to the Undertakers which they may not require for the purposes of the undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on any sale lease exchange or disposal by the Undertakers of any such lands and property whether the same be subject to the said provisions of the Lands Clauses Consolidation Act 1845 or not they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale lease exchange or disposal subject to such reservations accordingly and may also make any such sale lease exchange or disposal subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Undertakers
may sell lease
&c. spare
lands.

New Capital.

14. In addition to the capital already authorised to be raised by the Undertakers (in this Order referred to as "the existing capital") the Undertakers may—

New capital.

(1) Raise any further sums not exceeding in the whole one hundred and twenty thousand pounds (in this Order referred to as "the new capital") by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Undertakers shall not issue any share under the authority of this Order of a less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock together with any premium obtained on the sale thereof as hereinafter provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to issue as preference shares or stock or to attach a preferential dividend to a greater amount than sixty thousand pounds of the new capital or to create and

A.D. 1912.
East Surrey.

issue under the powers of this Order any greater nominal amount of share capital than will be sufficient to produce including any premium which may be obtained on the sale thereof the sum of one hundred and twenty thousand pounds:

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- (2) Borrow on mortgage of the undertaking in respect of the new capital any sum or sums not exceeding in the whole one-third part of the amount of the new capital which at the time of borrowing has been raised under the powers of this Order but no sum shall be borrowed in respect of any capital so raised until the Undertakers have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

As to conversion of borrowed money into capital.

15. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Order.

20

Incidents of new capital.

16. Except as by this Order otherwise provided the new capital and new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the new capital were part of the capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital and the new capital shall form part of the capital of the Undertakers.

25

New capital to be sold by auction or tender.

17.—(1) All shares or stock forming part of the new capital shall be issued in accordance with the provisions of this section.

30

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers shall from time to time determine Provided as follows:—

35

- (A) Notice of the intended sale shall be given in writing to the town clerk of every borough and the clerk to the district council of every urban or rural district within the existing limits or the new limits and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local

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newspapers circulating within the existing limits and the new limits: A.D. 1912.

East Surrey.

- 5 (B) A reserve price shall be fixed and notice thereof shall be sent by the directors of the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- 10 (C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- 15 (D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.
- 20 (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies
- 25 Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportion as the directors of the Undertakers may think fit or to one or more of these classes of persons only provided that in case of an offer to
- 30 holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- (4) Any shares or stock which have been offered for sale in accordance with the provisions of subsection (2) or of subsections (2)
- 35 and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.
- 40 (5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

- A.D. 1912.
East Surrey.
Application
of money.
18. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Order shall not be considered as part of the capital of the Undertakers 5 entitled to dividend.
- Limits of dividend on new capital.
19. The Undertakers shall not in any one year make out of their profits any larger dividend on the new capital than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital and five 10 pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which may have fallen short of the said sum of seven pounds per centum per annum. 15
- Ranking of different classes of ordinary capital for dividend if profits insufficient to pay in full the prescribed dividend on all.
20. If in any one year the net revenues of the Undertakers applicable to dividend on ordinary capital shall be insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers such revenues shall be applied in the first place in payment of dividend on 20 all ordinary capital of the Undertakers up to the rate of seven pounds per centum in respect of every sum actually paid up of such capital and the balance in payment of dividend upon all ordinary capital of the Undertakers actually paid up and entitled to a higher rate of dividend than seven pounds per centum. 25
- Restrictions as to votes in respect of preferential capital.
21. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock created under this Order to which a preferential dividend shall be assigned.
- Power to create debenture stock.
22. The Undertakers may create and issue debenture stock subject 30 to the provisions of Part III. of the Companies Clauses Act 1863 and of section 19 of the East Surrey Water Order 1900. 35
- Existing mortgages to have priority.
23. All mortgages granted by the Undertakers before the commencement of this Order under the authority of any Act of Parliament or Provisional Order confirmed by Parliament and subsisting at the date 35 of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts or Orders under which such mortgages were respectively granted have priority over all mortgages granted under the authority of this Order but nothing in this section shall affect any priority of the interest of any debenture stock at any 40 time created and issued by the Undertakers.
- Priority of mortgages over other debts.
24. All money raised or issued by the Undertakers on mortgage or debenture stock under the provisions of this Order shall have priority 45 against the Undertakers and the property from time to time of the

[2 & 3 GEO. 5.] *Water Orders Confirmation.*

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Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rentcharge
 5 granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Undertakers in pursuance of any Act or Order relating to the Undertakers which is entitled to rank in priority to or pari passu with the interest on their mortgages or
 10 debenture stock.

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East Surrey.

25. Section 21 of the East Surrey Water Order 1900 (For appointment of receiver) is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and from and after such commencement
 15 the mortgagees of the Undertakers may enforce payment of arrears of interest or of principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall
 20 not be less than ten thousand pounds in the whole.

Appointment
of receiver.

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

Receipt in
case of persons not sui
juris.

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Miscellaneous.

27. It shall not be lawful for the Undertakers to supply water derived from any source in the county of Surrey in bulk or otherwise beyond or for use beyond the limits of the county of Surrey except with the consent in writing of the Surrey County Council Provided that it
 30 shall be lawful for the Undertakers to continue to supply water in bulk to the East Grinstead Rural District Council and in bulk or otherwise to any houses or premises situate beyond the said county to which at the commencement of this Order the Undertakers are affording a supply of water.

For protection
of Surrey
County
Council.

35 28. The Undertakers may from time to time apply to the purposes of this Order to which capital is properly applicable any moneys which they have already raised or are authorised to raise under the existing Acts and Orders.

Application
of existing
funds.

40 29. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

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HENLEY-ON-THAMES WATER.*Henley-on-Thames.*

Order extending the limits of supply of the Henley-on-Thames Water Company Limited authorising the Company to construct new waterworks and to raise additional capital and for other purposes.

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Preliminary.

Short and collective titles.

1. This Order may be cited as the Henley-on-Thames Water Order 1912 and the Henley-on-Thames Water Order 1881 and the Henley-on-Thames Water Order 1901 (in this Order referred to respectively as "the Order of 1881" and "the Order of 1901" and collectively as "the Orders of 1881 and 1901") and this Order may be cited together as the Henley-on-Thames Water Orders 1881 to 1912.

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Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

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Incorporation of general Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") are (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of the Orders of 1881 and 1901 and of this Order) incorporated with this Order.

25

Interpretation of terms.

4. In this Order—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction;

30

The expression "the existing limits" means the areas within which the Undertakers are by the Orders of 1881 and 1901 authorised to supply water;

The expression "the new limits" means the further area within which the Undertakers are by this Order authorised to supply water;

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The expression "the limits of supply" means and includes the existing limits and the new limits;

The expressions "deposited plans" and "deposited sections" mean respectively the plans and sections deposited for the purposes of this Order.

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Henley-on-Thames.

Undertakers.

- 5 5. The Henley-on-Thames Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Extension of Limits.

- 10 6.—(1) The Undertakers may supply water and shall have and may exercise subject to the provisions of this Order within the respective portions of the parishes of Rotherfield-Greys Rotherfield-Peppard Harpsden and Shiplake all in the rural district of Henley in the county of Oxford hereinafter mentioned (that is to say):—

Extension of
limits of
supply.

- 15 The portions of the said parishes which lie between the south-western boundary of the existing limits and the following boundary viz. Commencing at a point on the boundary between the respective parishes of Rotherfield-Greys and Badgemore 290 yards or thereabouts south of Mankorn's Lodge and drawn thence in a straight line to the western side of the pond at Hermes Farm thence in a straight line to a point in White Hill 20 300 yards or thereabouts south-south-eastwards of Hunt's Farm thence in a straight line to the county boundary in the River Thames opposite the centre of Hallsmead Eyot and thence along the said county boundary to the boundary of the existing limits at Shiplake Lock

- 25 all and the like powers privileges and authorities for and in relation to the supply of water including the levying of rents rates and charges and shall be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits and the Undertakers may continue maintain and use any mains pipes and works laid down or constructed by them before the commencement of this Order in the new limits as if the same had been laid down and constructed by them under the powers of this Order and the provisions of this Order and of any Act incorporated therewith shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Order.

- 30 (2) The area comprised within the new limits is more particularly delineated upon a map deposited with the Board of Trade and signed by an assistant secretary of the Board and if there should be any difference between the description contained in this section and the area delineated upon such map the latter shall prevail.

- 40

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Henley-on-Thames.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

7. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local authority included within the new limits the local authority of 5 such district may provide a supply in the whole or any part of their district within the new limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district to which the Undertakers are not 10 furnishing or prepared on demand to furnish a sufficient supply of water as if in either case there were no Undertakers authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the 15 supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Lands.

Further powers to acquire lands by agreement.

8. In addition to any other lands which the Undertakers are under the Orders of 1881 and 1901 authorised to take or purchase the Under- 20 takers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans or such easements in over or under the same as they may require for the purposes of this Order.

Persons under disability may grant easements &c. to Undertakers.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the 25 said Acts grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 applicable in this behalf shall extend and apply 30 to such grants and to such easements rights and privileges as aforesaid respectively.

Works.

Power to construct works.

10. The Undertakers may on the lands shown on the deposited plans so long as they are possessed of the said lands or so long as they 35 may be entitled to do so under any agreement make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following works in the county of Oxford (that is to say):—

- (1) A service reservoir at Mays Green in the parish of Harpsden 40 near the north-western corner of High Wood;

- (2) A rising main (consisting of a line or lines of pipes) commencing at a point on the boundary of the borough of Henley in the road known as Mill Lane by a junction with the existing six-inch main of the Undertakers and terminating in the service reservoir by this Order authorised;

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Henley-on-Thames.

Together with all necessary or convenient pipes mains culverts drains channels sluices valves filters tanks banks walls embankments pumps engines machinery and other works and conveniences connected therewith and the construction of so much of the said rising main as has been constructed by the Undertakers prior to the commencement of this Order is hereby sanctioned and confirmed and shall be deemed to have been lawfully constructed and may be maintained and used by the Undertakers accordingly.

11. The Undertakers 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 some Order confirmed by Parliament or some Act of Parliament.

Limiting powers to abstract water.

12. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plans but in no case beyond the width of any road shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that no part of the said rising main shall be raised above the surface of the ground.

Limits of deviation.

13. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870 Provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge extend and renew such works and lay down additional lines of pipes along the route of the rising main by this Order authorised in such manner as may be requisite or advisable for supplying water within the limits of supply.

Limit of time for construction of works.

14. In executing the works and exercising the powers by this Order respectively authorised and conferred so far as they affect main roads within the new limits repairable by the county council of Oxfordshire and county and main road bridges and approaches thereto so repairable within the new limits the following provisions for the protection of the said council shall have the effect unless otherwise agreed on in writing between the council and the Undertakers (that is to say):—

For protection of the Oxfordshire County Council.

- (1) Notwithstanding anything contained in this Order all pipes or works to be laid or constructed in or along any such road

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Henley-on-Thames.

- or any such approach to or in the roadway of any such bridge shall be laid and constructed in such position at the side thereof or in the roadside waste at such depth as the council shall by writing under the hand of their surveyor (in this section referred to as "the surveyor") 5 reasonably direct and if the surveyor shall in his discretion so require shall not be constructed or laid in upon or across the roadway of any bridge or any arch connected therewith but shall be carried by and on the outside of such bridge in such position and manner as the surveyor 10 shall in writing reasonably direct :
- (2) All works of or connected with the laying down of pipes shall be so executed as not entirely to stop or unreasonably to interfere with the traffic of any such road or bridge or any approach thereto : 15
- (3) The Undertakers shall pay to the council the reasonable cost incurred by the council in relation to the examination of any plans and the superintendence of any works of the Undertakers authorised by this Order by the council or their officers which the council are by this Order authorised 20 or required to examine or superintend such cost not to exceed five guineas for such examination and superintendence in respect of any works which may be comprised in any one notice given to the council by the Undertakers who shall not be liable to make any payment as aforesaid in relation 25 to any works upon which the capital outlay of the Undertakers is under ten pounds :
- (4) Nothing in this Order shall in any way limit or affect the powers of the council to divert widen or improve any road or to remove alter widen rebuild or repair any bridge or 30 the approaches thereto in alongside or near to which any pipes of the Undertakers are laid or carried :
- (5) If at any time the council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any of the works or apparatus 35 of the Undertakers they shall before the commencement of such works give one month's notice in writing to the Undertakers of their intention to carry out such works and if in order to avoid interruption to the supply of water by the Undertakers it is in the opinion of the surveyor necessary 40 to remove temporarily the mains and other appliances of the Undertakers from such bridge then the Undertakers shall (and they are hereby authorised so to do) at their own expense temporarily carry their pipes across such bridge

or at the side thereof in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the council :

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—
Henley-on-
Thames.

- 5 (6) When the rebuilding altering widening or repairing of such bridge shall have been completed the Undertakers shall have the same rights and powers with regard to such bridge as they had before the said works were carried out :
- 10 (7) The council shall not be liable for any injury which may be occasioned to the pipes of the Undertakers laid in any road or along or across any bridge by the reasonable acts of the council in repairing such road or bridge Provided that the use by the council of any steam roller not exceeding fifteen tons in weight shall not be deemed an unreasonable act :
- 15 (8) The Undertakers shall to the reasonable satisfaction of the surveyor keep the portion of all main roads which shall be broken up for the purpose of constructing laying or repairing any pipes or works in good repair for twelve months after replacing and making good the same :
- 20 (9) The notices required by section 30 of the Waterworks Clauses Act 1847 to be given by the Undertakers shall be given not less than seven days instead of three days before beginning the intended works :
- 25 (10) If any difference arise between the Undertakers and the council touching this section or anything to be done thereunder such difference shall be settled by an arbitrator to be agreed upon or failing such agreement to be appointed by the Board of Trade on the application of either of the parties in difference.

- 30 15. If any difference arises between the Undertakers and any road authority railway canal or other company or person whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such
- 35 lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Differences
with road
authority or
railway or
other com-
pany.

New Capital.

- 40 16. Notwithstanding the limitation prescribed by section 13 of the Order of 1901 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking authorised by the Orders of 1881 and 1901 the share capital of the Undertakers for the purposes

New capital.

A.D. 1912. of the undertaking authorised by the said Orders and this Order may
 Henley-on- consist of the share capital of thirty-two thousand pounds mentioned in
 Thames. the said section 13 of the Order of 1901 and of further share capital
 consisting of shares or stock (in this Order referred to as "the new
 capital") not exceeding in the whole seven thousand five hundred pounds 5
 including any premiums which may be obtained on the sale thereof
 Provided that the share capital of the Undertakers for the purposes of
 the undertaking shall not exceed in the whole thirty-nine thousand five
 hundred pounds unless the Undertakers are hereafter authorised to raise
 further share capital by Provisional Order under the Gas and Water 10
 Works Facilities Act 1870 or by Act of Parliament.

New capital
 to be sold by
 auction or
 tender.

17.—(1) All shares or stock forming part of the new capital shall
 be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale
 by public auction or tender in such manner at such times and subject 15
 to such conditions of sale as the Undertakers shall by special resolution
 determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the
 town clerk of the borough of Henley and to the clerks
 of the respective rural district councils of Henley in the 20
 county of Oxford and Wokingham in the county of Berks
 and to the secretary of the London Stock Exchange at least
 twenty-eight days before the day of auction or the last day
 for the reception of tenders as the case may be and shall
 also be duly advertised once in each of two consecutive 25
 weeks in one or more local newspapers circulating within
 the limits of supply:

(B) A reserve price shall be fixed and notice thereof shall be
 sent by the directors of the Undertakers in a sealed letter
 to be received by the Board of Trade not less than twenty- 30
 four hours before but not to be opened till after the day
 of auction or last day for the receipt of tenders as the case
 may be:

(C) No lot offered for sale shall comprise shares or stock of
 greater nominal value than one hundred pounds: 35

(D) In the case of a sale by tender no preference shall be given
 to one of two or more persons tendering the same sum
 In the case of a sale by auction a bid shall not be
 recognised unless it is in advance of the last preceding
 bid: 40

(E) It shall be one of the conditions of sale that the total sum
 payable by the purchaser shall be paid to the Undertakers
 within three months after the date of the auction or of the
 acceptance of the tender as the case may be.

- (3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of shares or stock of the Undertakers in such manner as may be prescribed in a resolution passed by the directors of the Undertakers and to the
 5 employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportion as the directors of the Undertakers may think fit or to one or more of these classes of persons only provided that in case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the
 10 aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- (4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be
 15 again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.
- (5) As soon as possible after the conclusion of the sale or sales
 20 the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.
18. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable
 25 and any sum of money which may arise from the issue of any shares or stock under this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as
 30 part of the capital of the Undertakers entitled to dividend.
19. The Undertakers shall not in any one year pay out of their profits any larger dividend on the new capital than at the rate of seven
 35 pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.
20. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the
 40 prescribed rates on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

A.D. 1912.

Henley-on-Thames.

Application of money.

Limits of dividend on new capital.

Dividends on different classes of ordinary shares or stock to be paid proportionately.

- A.D. 1912. 21. The Undertakers may borrow on mortgage of their undertaking
(in addition to the sums which they are already empowered to borrow
Henley-on-Thames. under the Orders of 1881 and 1901) the following further sums (that
Limit of borrowing powers. is to say):—
- (i) A sum not exceeding two thousand pounds in respect of the 5
capital authorised by the Orders of 1881 and 1901; and
 - (ii) Any sum or sums not exceeding in the whole one third of the
amount of the new capital at the time actually raised by
the issue of shares or stock including any premium that
may be obtained on the sale of any shares or stock under 10
the provisions of this Order;
- and no higher rate of interest than five pounds per centum per annum
shall be paid by the Undertakers without the consent of the Board of
Trade in respect of any moneys borrowed by the Undertakers after the
commencement of this Order and secured as aforesaid. 15
- Application of existing funds. 22. The Undertakers may from time to time apply to the purposes
of this Order to which capital is properly applicable any moneys which
they have already raised or are authorised to raise under the Orders
of 1881 and 1901.
- Miscellaneous.* 20
- As to pressure. 23. From and after the completion of the service reservoir by this
Order authorised section 16 (Limits of pressure) of the Order of 1881
shall be read and have effect as if the words "the service reservoir
from which the supply is given" had been inserted therein in lieu
of the words "the service reservoir or works authorised by this Order." 25
- Power to require provision of cisterns. 24. The owner or occupier of any house within the limits of supply
situate at a higher level than two hundred feet above Ordnance datum
receiving or requiring a supply of water from the Undertakers shall if
the Undertakers so determine provide use and maintain for the purposes
thereof such cistern or cisterns of such size materials and workmanship 30
as the Undertakers may (subject to and in accordance with any regu-
lations made and approved by the Local Government Board under
section 20 of the Order of 1881 and for the time being in force) prescribe
and any person who shall fail to comply with the provisions of this
section shall be liable to a penalty not exceeding five pounds Provided 35
always that in case of dispute between the Undertakers and any such
owner or occupier as to any requirements of the Undertakers under
this section such dispute shall be decided by a court of summary
jurisdiction.
- Ascertainment of rateable value in certain cases. 25. For the purposes of section 17 (Rates for supply for domestic 40
purposes) of the Order of 1881 as amended by section 22 of the Order
of 1901 the rateable value of any premises supplied by the Undertakers

[2 & 3 GEO. 5.] *Water Orders Confirmation.* 47

with water for domestic purposes in respect of which there is no valuation or assessment list in force shall be ascertained by the last rate made for the relief of the poor. A.D. 1912.
Henley-on-Thames.

26. The Undertakers shall not be bound to supply more than one
5 house 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 supplied by them with water. Undertakers not bound to supply several houses by one pipe.

27. From and after the commencement of this Order section 38
10 (Before sale of all or any part of undertaking to any corporation company or person offer to be made to Henley Local Board) of the Order of 1881 shall be read and have effect as if the words "authorised by this Order" were omitted from that section and as if the expressions "water undertaking" and "undertaking" in that section included the undertaking authorised by the Order of 1881 and extended by the
15 Order of 1901 and this Order and as if the words "the corporation of the borough of Henley-on-Thames" were inserted therein in lieu of the words "the local board of the district of Henley-on-Thames" and the words "the said corporation" in lieu of the words "the said local board."

28. All the costs charges and expenses of and incidental to the
20 applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. Costs of Order.

WIMBORNE MINSTER WATER.

*Wimborne
Minster.*

*Order made by the Board of Trade empowering the Wimborne
25 Minster Waterworks Company Limited to raise further capital to extend the area of supply and for other purposes.*

Preliminary.

1. This Order may be cited as the Wimborne Minster Water Order
30 1912 and the Wimborne Minster Water Order 1888 (in this Order referred to as "the Order of 1888") and this Order may be cited together as the Wimborne Minster Water Orders 1888 and 1912. Short and collective title.

2. This Order shall come into force and have effect upon the day
when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.

3. The provisions of the Waterworks Clauses Acts 1847 and 1863
35 except the words "with the consent in writing of the owner or reputed Incorporation of Acts.

- A.D. 1912. owner of any such house or of the agent of such owner" in section 44
 of the Waterworks Clauses Act 1847 are incorporated with and form
Wimborne part of this Order except so far as the same are expressly varied by
Minster. or are inconsistent with the provisions of the Order of 1888 or this
 Order. 5
- Interpreta-** 4. In this Order the several words terms and expressions to which
tion. by any Act in whole or in part incorporated with this Order and by
 the Gas and Water Works Facilities Act 1870 meanings are assigned
 have the same respective meanings unless there be something in the
 subject or context repugnant to such construction and for the purposes 10
 of this Order "the undertaking" means the undertaking of the
 Wimborne Minster Waterworks Company Limited.
- Undertakers.** 5. The Wimborne Minster Waterworks Company Limited shall be
 the Undertakers for this Order and are in this Order referred to as
 "the Undertakers." 15
- Extension of** 6. The limits within which the Order of 1888 and this Order shall
limits of be in force and have effect (in this Order referred to as "the limits of
supply. supply") shall be the limits as defined by the Order of 1888 and also
 the parishes or parts of parishes hereinafter described namely The
 remainder of the parish of Colehill not included in the limits of supply 20
 by the Order of 1888 (except such part thereof as lies to the south of
 the railway of the London and South Western Railway Company from
 Wimborne Station to Westmoors) and also such part of the parish of
 Hampreston as is bounded on the south by the said railway on the west 25
 by the parish of Colehill on the north by the parish of Holt and on the
 east by a line drawn from a point at the northern end at the bridge
 known as White Bridge thence following the road known as Uddens
 Drive to the railway crossing at Uddens and also such part of the parish
 of Pamphill as is bounded by a line—
 Commencing at its north-east corner at the centre of the stream 30
 near Hogford thence drawn along the southern boundary of field
 No. 179 (25-inch scale Ordnance survey dated 1901) to field
 No. 178 on the same plan thence following the course of the
 said stream in a southerly direction to the junction of the
 road No. 174 leading to Hound Hill thence along the said road 35
 in a south-westerly direction to its junction with Chilbridge Lane
 on the east side of Daffodil Copse thence south-east along the
 road to Hillbutts thence along the road in a south-westerly
 direction crossing the main road at the cottages near Manor
 Yard thence following Abbott Street in a westerly direction to 40
 its junction with a lane known as Sandy Lane thence in a
 southerly direction along Sandy Lane crossing the road leading
 to Sturminster Marshall on the west side of Cowgrove Farm by

5 a drive leading to and as far as the River Stour at the ford on the south-west side of Chaw Meadow thence following the River Stour in an easterly direction to the boundary of the limits of supply as defined by the Order of 1888 near Cuthbury Allotments. A.D. 1912. Wimborne Minster.

7. The Undertakers shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them unless the works and the lands upon which the same are to be constructed are specified in some Act of Parliament or Provisional 10 Order. Limiting powers of Undertakers to abstract water.

8. If at any time after the expiration of three years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Order in any part of the district of any local 15 authority within the area to which the powers of the Undertakers are extended by this Order the local authority of such part of the said district may provide a supply in the whole or any part of their district within the said area in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an 20 Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein. If any difference shall arise between the Undertakers and any such local authority company body or person 25 as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade. Where Undertakers not furnishing sufficient supply local authority or company may supply.

9. If any difference arises between the Undertakers and any road authority railway canal or other company whose lands or works the 30 Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled 35 by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. Differences with road authority or railway or other company.

Additional Capital.

10. The limitation prescribed by section 7 of the Order of 1888 with respect to the amount of the share capital of the Undertakers for 40 the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the additional capital") not exceeding six thousand pounds including any premiums which may be obtained on the sale of any

A.D. 1912. shares or stock under the provisions of this Order Provided that the
 Wimborne share capital of the Undertakers for the purpose of the undertaking shall
 Minster. not exceed in the whole fourteen thousand pounds unless the Undertakers
 are hereafter authorised to raise further share capital by Provisional
 Order under the Gas and Water Works Facilities Act 1870 or by Act 5
 of Parliament.

Additional
 capital to be
 sold by
 auction or
 tender.

11.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to 10 such conditions of sale as the Undertakers shall determine Provided as follows:—

(a) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the secretary of the London Stock Exchange at least 15 twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply: 20

(b) A reserve price shall be fixed and notice thereof shall be sent by the directors of the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be: 25

(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised 30 unless it is in advance of the last preceding bid:

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be. 35

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in such manner as may be prescribed in a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of water 40 supplied by the Undertakers in such proportion as the directors of the Undertakers may think fit or to one or more of these classes of persons only provided that in case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the

aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

A.D. 1912.

*Wimborne
Minster.*

(4) Any shares or stock which have been offered in accordance with the foregoing provisions of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the shares or stock as the case may be.

12. All money raised under this Order including any premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under this Order by way of premium shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application
of money.

13. The Undertakers shall not in any one year make out of their profits any larger dividend on the additional capital than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of the said sum of seven pounds per centum per annum.

Limits of
dividend on
additional
capital.

14. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on
different
classes of
ordinary
shares or
stock to be
paid propor-
tionately.

15. Notwithstanding anything contained in section 8 of the Order of 1888 the Undertakers may borrow on mortgage of their undertaking in addition to the sum they are already empowered to borrow any sum of money not exceeding one third of the amount of the additional capital at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be

Limit of
borrowing
powers.

- A.D. 1912. paid by the Undertakers without the consent of the Board of Trade
Wimborne in respect of any moneys borrowed by the Undertakers after the
Minster. commencement of this Order and secured as aforesaid.
- Supply of water by hose-pipe to stables &c. 16. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables on premises where horses carriages or motor cars are kept the Undertakers may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates. 5 10
- Supply to houses partly used for trade. 17.—(1) The Undertakers shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. 15
- (2) Where a supply of water to a farmhouse is used for farming purposes the Undertakers may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Undertakers to refuse a supply of water for purely domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof. 20
- Price of supply by measure. 18. The price to be charged for a supply of water by measure shall not exceed two shillings per thousand gallons. 20
- Power to lay pipes in streets not dedicated to public use. 19. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the district abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes where so laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. 25 30
- Rates payable by owners of small houses. 20. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that if the Undertakers determine to charge the owners instead of the occupiers as aforesaid no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. 35 40

21. Proceedings for the recovery of any demand made under the authority of the Order of 1888 and this Order or either of them or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1912.
Wimborne
Minster.
Recovery of
demands.
22. If a person requiring a supply of water from the Undertakers has previously quitted premises at which water was supplied to him by the Undertakers without paying to them all water rates and other moneys due from him to the Undertakers they may refuse to furnish to him a supply of water until he pays the same. Power to re-
fuse supply
to persons in
debt for other
premises.
23. The Undertakers shall not be bound to supply more than one house 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 supplied by them with water. Undertakers
not bound to
supply several
houses by one
pipe.
24. A notice to the Undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the registered office of the Undertakers. Notice of dis-
continuance.
25. (1)—The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter (but shall not manufacture) any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same. Power to
supply
fittings.
- (2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof. Detection of
waste.
26. Subject to the provisions of the Waterworks Clauses Acts 1847 and 1863 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto

A.D. 1912.

*Wimborne
Minster.*

and may for that purpose break up and interfere temporarily with public and private streets roads lands footpaths thoroughfares tramways and gas or water pipes

Power to hold
lands for pro-
tection of
works.

27. The Undertakers may hold any lands acquired by them which they may deem necessary for the purpose of protecting their water- 5
works against pollution fouling and contamination and so long as
such necessity shall continue such lands shall not be deemed to be
superfluous lands within the meaning of the Lands Clauses Acts but
the Undertakers shall not create or permit a nuisance on any such
lands and shall not erect any buildings thereon other than such 10
buildings and works as may be incident to or connected with their
waterworks.

Power to
drain such
lands.

28. The Undertakers may in or upon any lands which they may hold for the purposes described in the last preceding section construct and lay down drains sewers watercourses and other works and con- 15
veniences 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 Undertakers are empowered to take
from being polluted fouled contaminated or discoloured and the Under-
takers may for the purpose aforesaid carry any such drain sewer or 20
watercourse under across or along any street or road within or adjoining
such lands 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.

Costs of
Order.

29. All the costs charges and expenses of and incidental to the 25
applying for preparing obtaining and confirming this Order and other-
wise in relation thereto shall be paid by the Undertakers.

A

B I L L

INTITULED

An Act to confirm a Scheme of the Charity Commissioners for the application or management of (1) Various Charities in the Ancient Parish of Whitby in the North Riding of the County of York and (2) the Charities of Alice Gallilee in Whitby and other places in the said North Riding. A.D. 1912.

WHEREAS the Charity Commissioners for England and Wales in their report to His Majesty of their proceedings during the year one thousand nine hundred and eleven have reported that they have approved and certified a scheme for the application or management of—

- (1) Various charities in the ancient parish of Whitby in the North Riding of the county of York;
 - (2) The charities of Alice Gallilee in Whitby and other places in the said North Riding;
- and the scheme is set out in an appendix to the said report :

And whereas it is expedient that the scheme as the same is fully set out and defined in the schedule to this Act should be confirmed :

Be it therefore 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 :—

1. The said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners. Confirmation of scheme.

2. This Act may be cited as the Whitby Charities Scheme Short title, Confirmation Act 1912.

A.D. 1912.

SCHEDULE.

Scheme for the Application or Management of—(1) *The following Charities in the Ancient Parish of Whitby in the North Riding of the County of York:—*

Charity.	Particulars of Origin or Government.	5
Atty Susanna	Will proved in the Prerogative Court of Canterbury on the 14th June 1806; and Scheme of Charity Commissioners of 18th November 1904.	
Barker Joanna	Will proved in London on the 6th July 1832; and Said scheme.	10
Boulby Adam	Indentures dated 20th April 1747 23rd May 1748 and 4th March 1772.	
Boyes Margery for apprenticing and for poor widows.	Will dated 17th October 1719; and Order of Charity Commissioners appointing Trustees dated 18th March 1870.	15
Chilton Isabella	Foundation in 1831.	
Hunter Benjamin	Gift in 1789.	
Hunter Joseph	Will proved at York on the 25th August 1868; and Scheme of said Commissioners of the 14th October 1898.	20
Pearson John	Gift in 1764.	
Pearson William	Gift in 1722.	25
Pennock Isaac	Indenture dated 13th February 1872.	
Porritt Richmond including the subsidiary endowment of John Foster.	Will proved in London on the 15th May 1812.	
Robertson John	Will proved in the Principal Registry on the 13th March 1869; and Order of said Commissioners appointing Trustees dated 6th July 1888.	30
Robinson John	Will proved at York in the Year 1854.	
Rymer William	Will in 1808.	35
Turnbull Thomas	Gift before 24th April 1892.	
Usherwood William	Gift before 1910.	
Ward John	Will proved at York on the 18th March 1910.	

(2) *The Charities of Alice Gallilee in Whitby and other places in the said North Riding founded by Deeds dated 1st November 1847 19th June 1852 and 20th October 1856 and comprised in a Scheme of the Charity Commissioners of the 17th February 1893.*

1. *Administration of Charities.*—The above-mentioned charities and the endowments thereof specified in the schedule hereto and all other the endowments (if any) of the said charities shall be administered

[2 GEO. 5.]

Whitby Charities.

3

and managed by the body of Trustees herein-after constituted subject to and in conformity with the provisions of this scheme under the title of the United Charities. A.D. 1912.

2. *Vesting of Real Estate.*—Any rentcharges and freehold or leasehold lands and other hereditaments comprised in this scheme and not already vested in “The Official Trustee of Charity Lands” are hereby vested in the said official trustee for all the estate and interest therein belonging to or held in trust for the charities.

3. *Transfer of Stock and Investment of Cash.*—All sums of stock comprised in this scheme and not already held by “The Official Trustees of Charitable Funds” shall be transferred under the authority of a further order of the Charity Commissioners into the name of the said official trustees and all sums of cash now or at any time belonging to the charities and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested under the like authority in that name.

TRUSTEES.

4. *Trustees.*—The body of Trustees shall (except at first as herein-after provided) when complete consist of seventeen competent persons being

One ex-officio Trustee
Eleven representative Trustees and
Five co-öptative Trustees.

5. *Ex-officio Trustee.*—The ex-officio Trustee shall be—
The rector for the time being of the ecclesiastical parish of Whitby St. Mary.

6. *Representative Trustees.*—The representative Trustees shall be appointed as follows:—

Six by the urban district council of Whitby
One by the parish council of Newholm with Dunsley
One by the parish council of Aislaby
One by the parish council of Eskdaleside-cum-Ugglebarnby
One by the parish council of Hawsker-with-Stainsacre and
One by the parish council of Fylingdales.

Each appointment shall be made for a term of three years at a meeting convened and held according to the ordinary practice of the appointing body. The chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees or their clerk. The person appointed may be but need not be a member of the appointing body.

7. *First Representative Trustees.*—The first representative Trustees shall be appointed as soon as possible after the date hereof and their names shall be notified to the rector on behalf of the Trustees.

A.D. 1912.

8. *First Co-optative Trustees.*—The following persons shall be the first co-optative Trustees and shall be entitled subject to the provisions herein-after contained with respect to determination of trusteeship to hold office for five years from the date of this scheme—

John Henry Harrowing shipowner	5
Jefferson Suggit insurance secretary	
Richard Smailes shipowner	
Christopher Marwood shipowner	
John Duck butcher and	
Robert William White solicitor all of Whitby and	10
Thomas Clarkson of Thordisa House Eastrow near Whitby gentleman.	

9. *Future Co-optative Trustees.*—Of the future co-optative Trustees two shall be women and two shall be either seamen or connected with the fishing industry Every future co-optative Trustee shall be a person residing or carrying on business in or near the ancient parish of Whitby and shall be appointed for a term of five years by a resolution of the Trustees to be passed at a special meeting. 15

10. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee whether on a first or any subsequent entry into office until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this scheme. 20

11. *Determination of Trusteeship.*—Any future co-optative Trustee who ceases to be qualified as aforesaid any representative or co-optative Trustee who is absent from all meetings of the Trustees during a period of one year and any Trustee who is adjudicated a bankrupt or is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall thereupon cease to be a Trustee. 25

12. *Vacancies.*—Upon the occurrence of a vacancy the Trustees shall at their next meeting cause a note thereof to be entered in their minute book and in the case of a vacancy in the office of representative Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body Any competent Trustee may be re-appointed No vacancy in the office of co-optative Trustee shall be filled till after the lapse of one calendar month from its occurrence and there shall be no such vacancy until the number of co-optative Trustees is reduced below five. 30 35

MEETINGS AND PROCEEDINGS OF TRUSTEES.

13. *Ordinary Meetings.*—The Trustees shall hold at least two ordinary meetings in each year. 40

14. *Chairman.*—The Trustees shall at their first ordinary meeting in each year elect one of their number to be chairman of their meetings for the year They shall make regulations for supplying his

[2 GEO. 5.]

Whitby Charities.

5

place in case of his death resignation or absence The chairman shall always be re-eligible. A.D. 1912.

15. *Special Meetings.*—A special meeting may at any time be summoned by the chairman or any two Trustees upon four days' notice being given to all the other Trustees of the matters to be discussed.

16. *Quorum.*—There shall be a quorum when five Trustees are present at a meeting.

17. *Voting.*—Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chairman shall have a casting vote whether he has or has not previously voted on the same question but no Trustee shall in any other circumstances give more than one vote.

18. *Minutes and Accounts.*—A minute book and books of account shall be provided and kept by the Trustees All proper accounts in relation to the charities shall in each year be made out and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said commissioners and published in conformity with the provisions of the Charitable Trusts Acts.

19. *General Power to make Regulations.*—Within the limits prescribed by this scheme the Trustees shall have full power from time to time to make regulations for the management of the charities and for the conduct of their business including the summoning of meetings the deposit of money at a proper bank the custody of documents and the appointment as clerk during their pleasure of one of themselves (without salary) or of some other fit person.

MANAGEMENT OF REAL PROPERTY.

20. *Sale or letting at Nominal Rents.*—The Trustees may sell with the approval of the Charity Commissioners or may let at a nominal rent to poor and deserving persons resident in the ancient parish of Whitby—

- (1) The tenement in Ellerby Lane Whitby used as a warehouse with site and appurtenances belonging to the charity of Margery Boyes;
- (2) The two tenements in Loggerhead Yard Whitby with site and appurtenances belonging to the charity of John Pearson; and
- (3) The house in New Way Ghaut Whitby belonging to the charity of William Pearson.

The Trustees may sell with the approval of the said commissioners the tenements in Cliff Street Whitby with sites and appurtenances belonging to the charity of Adam Boulby They shall let the tenements

A.D. 1912. in Flowergate Whitby belonging to the same charity at nominal rents to poor and deserving seamen belonging to the port of Whitby and having a residence therein or to poor and deserving widows of seamen who at the time of their death belonged to the said port and had a residence therein or failing such seamen and widows to poor and 5 deserving persons resident in the urban district of Whitby The Trustees may let the tenements on the Cragg Whitby belonging to the charity of Isaac Pennock at nominal rents to poor and deserving widows of the age of fifty years and upwards of seamen who at the time of their death belonged to the port of Whitby and had a residence therein or 10 failing such widows to poor and deserving persons resident in the urban district of Whitby.

21. *Residence rent free.*—The Trustees shall permit the tenements in Flowergate Whitby belonging to the charity of Isabella Chilton to be occupied rent free by poor and deserving widows of seamen who 15 at the time of their death belonged to the port of Whitby and had a residence therein or failing such widows by poor and deserving persons resident in the urban district of Whitby.

22. *Management and letting of Property.*—Subject as aforesaid all the property of the charities not required to be retained or occupied 20 for the purposes thereof shall be let and otherwise managed by the Trustees In every case public notice of the intention to let any land or other property shall be given by the Trustees in such manner as they consider most effectual for ensuring full publicity The Trustees shall not create any tenancy in reversion after more than three years 25 of any existing term or for more than twenty-one years certain or for less than the approved annual value at rackrent without the sanction of the Charity Commissioners or a competent court.

23. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof and every 30 lease shall contain covenants on the part of the lessee for the payment of rent and the proper cultivation of the land and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants. 35

24. *Repair and Insurance.*—The Trustees shall keep in repair and insure against fire all the buildings of the charities not required to be kept in repair and insured by the lessees or tenants thereof.

BRANCHES.

25. *Branches.*—Subject as aforesaid the charities shall be divided 40 into two branches to be called respectively—

- The ancient parish branch and
- The port branch.

[2 GEO. 5.]

Whitby Charities.

7

26. *Ancient Parish Branch.*—The ancient parish branch shall consist of the charities of— A.D. 1912.

- 5 Susanna Atty ;
 Joanna Barker ;
 Margery Boyes ;
 John Pearson ;
 William Pearson ;
 John Robertson ;
 John Robinson ;
 10 John Ward ; and
 Alice Gallilee.

27. *Port Branch.*—The port branch shall consist of the charities of—

- 15 Adam Boulby ;
 Isabella Chilton ;
 Benjamin Hunter ;
 Joseph Hunter ;
 Issac Pennock ;
 Richmond Porritt including the subsidiary endowment of John
 20 Foster ;
 William Rymer ;
 Thomas Turnbull ; and
 William Usherwood.

APPLICATION OF INCOME.

- 25 28. *Expenses of Management.*—The Trustees shall first defray—
 (1) The cost of repairs and insurance and all other charges and
 outgoings payable in respect of the property of either
 branch out of the income of that branch ;
 30 (2) All the proper costs charges and expenses of and incidental
 to the joint administration and management of all the
 charities out of the income thereof and as between (a)
 the ancient parish branch and (b) the port branch out
 of the income thereof respectively so far as may be
 rateably.
- 35 29. *Application of Income.*—Subject to the payments aforesaid :—
 (1) The net yearly income of the ancient parish branch shall
 be applied by the Trustees for eleemosynary purposes
 and for apprenticing and payment of pensions in the
 manner herein-after prescribed for the benefit of poor and
 40 deserving persons resident in the ancient parish of Whitby
 provided that in the application of the income of the
 charity of John Robertson a preference shall be given
 so far as may be to ropemakers or their widows,

A.D. 1912.

- (2) The net yearly income of the port branch shall be applied by the Trustees for eleemosynary purposes and for apprenticing and payment of pensions in the manner herein-after prescribed for the benefit of poor and deserving seamen belonging to the port of Whitby and having a residence 5 therein or of poor and deserving widows and children resident in the said port of seamen who at the time of their death belonged to the said port and had a residence therein or failing such seamen and widows and children for the benefit of poor and deserving persons resident 10 in the urban district of Whitby.

Provided that the Trustees may if and so far as they think fit continue to pay out of the income of the charities of Isaac Pennock Richmond Porritt (inclusive as aforesaid) Thomas Turnbull and William Usherwood to persons who at the date of this scheme are annuitants 15 of those charities the annuities which they have been accustomed to receive out of such income.

Eleemosynary Purposes.

30. *General Benefit of Poor.*—Income applied for eleemosynary purposes shall be applied by the Trustees in making payments under 20 one or more of the following heads for the benefit of such persons being duly qualified as aforesaid as the Trustees select for this purpose and in such way as they consider most advantageous to the recipients and most conducive to the formation of provident habits:—

I.—Subscriptions or donations in aid of the funds of— 25

- (a) Any dispensary infirmary hospital or convalescent home, whether general or special upon such terms (so far as may be) as to enable the Trustees to secure the benefits of the institution for the objects of the charities;
- (b) Any provident club or society established in or near the 30 beneficial area for the supply of coal clothing or other necessaries:

II.—Contributions towards—

- (a) The provision of nurses for the sick and infirm;
- (b) The provision of duly certified midwives to attend women 35 in childbirth;
- (c) The travelling expenses of patients to and from such institutions as are above-mentioned in paragraph I. (a);
- (d) The cost of the outfit on entering upon a trade or occupation or into service of any person under the age of twenty- 40 one years:

III.—The supply of—

A.D. 1912.

- (a) Clothes linen bedding fuel tools medical or other aid in sickness food or other articles in kind to an amount not exceeding 20*l.* in any one year;
- 5 (b) Temporary relief in money by way of loan or otherwise in case of unexpected loss or sudden destitution to an amount not exceeding 20*l.* in any one year.

10 Provided that income applicable under this clause shall in no case be applied so that any individual or institution may become entitled to a periodical or recurrent benefit therefrom.

Apprenticing.

31. *Apprenticing.*—Income applied for apprenticing shall be applied by the Trustees in apprenticing children being duly qualified as aforesaid to some useful trade or occupation.

15 32. *Conditions of Apprenticing.*—Upon the apprenticing of any child—

(1) An indenture of apprenticeship shall be executed containing provisions for carrying into effect the following stipulations:—

20 (a) The apprenticeship premium shall be payable in not less than two portions and the second portion and any subsequent portions shall be payable after the lapse of at least six months from the commencement of the term of apprenticeship or from the payment of the preceding portion;

25 (b) The second or any subsequent portion of the premium shall not be payable unless or until the Trustees have satisfied themselves by personal inquiry that the apprentice is being properly taught;

30 (c) Substantial wages increasing yearly shall be paid to the apprentice on a scale to be specified in the indenture.

(2) The Trustees may also agree for the repayment to them of the whole or any part of the apprenticeship premium out of any wages of the apprentice or otherwise and may properly refuse to accept any master or mistress except upon the following conditions:—

35 (a) The permission of a probationary period not exceeding three months and either with or without wages during which the apprentice concerned shall be at liberty to recede from his or her engagement;

40

A.D. 1912.

(b) The permission of access at all reasonable times to the place of employment of the apprentice concerned by any person authorised by the Trustees to inspect and report upon the condition conduct and diligence of the apprentice ; 5

(c) Such other conditions or stipulations as to evening instruction or other matters as in the judgment of the Trustees may be beneficial to the apprentice concerned or otherwise advantageous to the charities.

- (3) Any or all of the arrangements for the apprenticeship and visiting of and consequent reports upon the apprentice may be delegated to the National Institution of Apprenticeship No. 39 York Place Baker Street London W. or to the Apprenticeship and Skilled Employment Association No. 36 Denison House Vauxhall Bridge Road London S.W. or to any similar institution which may be nominated by the Trustees and approved by the Charity Commissioners and in that case the moneys applicable to the apprenticeship shall be paid to the institution at the time of the signing of the apprenticeship indenture. 10 15 20

Pensions.

33. *Pensions.*—Income applied for payment of pensions shall be applied in accordance with the following provisions.

34. *Qualifications of Pensioners.*—The pensioners shall be persons being duly qualified as aforesaid who have resided in the beneficial area for not less than two years next preceding the time of their appointment who have not during that period received poor law relief other than medical relief and who from age ill-health accident or infirmity are wholly or in part unable to maintain themselves by their own exertions. 25 30

35. *Stipends of Pensioners.*—There shall be paid to each pensioner out of the income applicable for the purpose by weekly or other periodical payments as the Trustees think fit such a stipend being at the rate of not less than 5*s.* a week and not more than 10*s.* a week as the Trustees may from time to time fix having regard to the needs and circumstances of the respective pensioners and to the income and other circumstances of the charities ; provided that :— 35

- (1) The Trustees instead of paying the whole amount of the stipend to any pensioner in money may from time to time expend the whole or any portion thereof for his or her benefit as they think fit ; and 40
- (2) In the case of a person appointed or qualified to be appointed as a pensioner possessing or become possessed of a properly

secured income from other sources or in receipt of assistance from relations or others the Trustees may fix such a smaller stipend to be payable out of the income of the charities as they think fit provided that the total income of the recipient shall not be less than the said minimum.

5

36. *Payment of Stipends and Conduct of Inquiries.*—The clerk of the Trustees or some other person appointed by them for the purpose shall pay the stipends to the pensioners and conduct any inquiries with regard to them and to applicants for appointment.

10 37. *Notice of Vacancy.*—No appointment of a pensioner shall be made by the Trustees until a sufficient notice (which may be according to the form annexed hereto) of the vacancy to be filled up specifying the qualifications required from candidates has been published in the beneficial area by advertisement or otherwise so as to give due
15 publicity to the intended appointment.

38. *Applications for Appointment.*—Applications for appointment as pensioners shall be made in the first place in writing to the Trustees or their clerk in such manner as the Trustees prescribe. Except in case of physical disability the Trustees shall before appointing any
20 applicant to be a pensioner require him or her to attend in person. Every applicant must be prepared with sufficient testimonials and other evidence of his or her qualification for the appointment.

39. *Appointments of Pensioners.*—Every appointment of a pensioner shall be made by the Trustees and shall be made at a special
25 meeting to be held as soon as conveniently may be after an interval of one month from the occurrence of the vacancy to be filled up allowing a reasonable time for publication of notice and for inquiries as to the applicants.

40. *Selection of Pensioners and Payment of Pensions.*—The
30 pensioners shall be selected under the following conditions:—

- (1) After full investigation of the character and circumstances of the applicants and inquiry whether they have shown reasonable providence and whether and to what extent they may reasonably expect assistance from relations or others:
- 35 (2) Where claims are equal preference shall be given to those applicants who have been longest resident in the beneficial area.

The pensions shall be paid subject to such reasonable regulations for ascertaining the identity and good conduct of the pensioners and
40 their continued possession of the required qualifications as the Trustees from time to time prescribe.

For the purpose of this clause the Trustees may avail themselves of the agency of any charity organisation society or other like agency.

A.D. 1912.

41. *Term of Pensions.*—Each pension shall be granted for a term of three years in the first instance but may be prolonged by the Trustees if they think fit for a further period of not more than three years at each prolongation.

42. *Register.*—The Trustees shall provide and keep a book in 5 which shall be entered the name age and description of every person appointed to be a pensioner the date of every appointment and the date and occasion of every vacancy They shall also keep a register of all applications for appointment.

43. *Removal of Pensioners*—(1) The following persons shall be 10 removed from being pensioners:—

- (a) Any pensioner who receives poor law relief other than medical relief;
- (b) Any pensioner detained under lawful authority as a person suffering from mental disease; 15
- (c) Any pensioner becoming an inmate of any poor law institution for the purpose of receiving medical relief.

(2) If in the opinion of the Trustees any pensioner is guilty of insobriety or immoral or improper conduct or is disqualified for retaining his or her appointment by having become entitled to a 20 sufficient income from sources other than the charities or from any other cause or if in any case it appears that any pensioner has been appointed without having the required qualifications the Trustees upon proof thereof to their satisfaction may remove the pensioner.

(3) Upon the removal of any pensioner the Trustees may proceed 25 to appoint another pensioner in his or her place.

(4) In any case of such misconduct as aforesaid the Trustees may suspend the payment of the stipend to the pensioner either wholly or in part during such time as they think fit.

(5) Any pensioner removed under head (b) or (c) of section (1) 30 of this clause may on recovery be re-appointed without previous notice being given of the vacancy to be filled up and need not possess the qualifications as to residence and previous non-receipt of poor law relief.

44. *Regulations.*—The Trustees may from time to time prescribe 35 such reasonable regulations as they consider expedient for the government of the pensioners provided that the same shall not be at variance or inconsistent with any of the provisions of this scheme.

GENERAL PROVISIONS.

45. *Appropriation of Benefits.*—The appropriation of the benefits 40 of the charities shall be made by the Trustees from time to time at meetings of their body and not separately by any individual Trustee or Trustees.

46. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in any property belonging to the charities otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration or be interested in the supply of
5 work or goods at the cost of the charities. A.D. 1912.

47. *Charities not to relieve Rates.*—The funds or income of the charities shall not in any case be applied in aid of any rates for the relief of the poor or other purposes.

48. *Alteration of Scheme.*—The Charity Commissioners may from
10 time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

49. *Questions under Scheme.*—Any question as to the construction
15 of this scheme or as to the regularity or the validity of any acts done or about to be done under this scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

FORM OF NOTICE.

20 In the Matter of the UNITED CHARITIES in the Ancient Parish of WHITBY and in the Port of WHITBY in the North Riding of the County of York.

The Trustees of these charities give notice that they will on
the day of 19 proceed
25 to elect a pensioner to fill a vacancy in the number of pensioners of the charities. The election will take place at o'clock on that day at Poor and deserving [*persons resident in the ancient parish of Whitby*] [*seamen belonging to the port of Whitby and having a residence therein or widows and children*
30 *resident in the said port of seamen who at the time of their death belonged to the said port and had a residence therein or failing such seamen and widows and children poor and deserving persons resident in the urban district of Whitby*] are eligible for the appointment provided that—

- 35 (1) They have resided in the beneficial area for the last two years at least;
- (2) They have not during the last two years received poor law relief other than medical relief; and
- (3) They are from age ill-health accident or infirmity unable to
40 maintain themselves by their own exertions.

Preference will be given to those who have shown reasonable providence and to those who have been longest resident in the beneficial area [*and to ropemakers or their widows*].

A.D. 1912.

Application for the appointment must be made in the first place in writing to the Trustees or their clerk at fourteen days at least previously to the election. Every applicant must state his or her name address age and occupation and must be prepared to produce sufficient testimonials and other evidence of his or her qualification for the appointment and except in case of physical disability to attend in person.

Signed

{ Clerk to
the
Trustees. 10

SCHEDULE OF PROPERTY.

Description.	Extent or Amount.	Tenant Person liable or Persons in whose Name invested.	Gross Yearly Income.	15
<i>Atty Susanna.</i> Consols - - - -	£ s. d. 504 0 0	"The Official Trustees of Charitable Funds."	£ s. d. 12 12 0	
<i>Barker Joanna.</i> Consols - - - -	332 11 7	Do. do.	8 6 0	20
<i>Boulby Adam.</i> Two tenements in Cliff Street Whitby with sites and appurtenances. Six tenements in Flowergate Whitby with sites and appurtenances.	— —	- - - - -	} 4 10 0	25
<i>Boyes Margery.</i> Rentcharge issuing out of land in Fylingdales.	—	Devises of the late Colonel Sibthorpe and Henry Walker Yeoman.	8 12 0	30
Tenement in Ellerby Lane Whitby used as ware- house with site and appur- tenances.	—	John C. Gale - - -	3 10 0	35
<i>Chilton Isabella.</i> Six tenements in Flowergate Whitby with sites and appurtenances.	—	- - - - -	3 9 0	40

Description.		Extent or Amount.	Tenant Person liable or Persons in whose Name invested.	Gross Yearly Income.	A.D. 1912.
	<i>Gallilee Alice.</i>				
5	Consols (Charity founded by Deed dated 1st November 1847).	£ s. d. 277 17 3	"The Official Trustees of Charitable Funds."	£ s. d. 6 18 8	
	Consols (Charity founded by Deed dated 19th June 1852).	303 0 0	Do. do.	7 11 4	
10	Consols (Charity founded by Deed dated 20th October 1856).	213 3 11	Do. do.	5 6 4	
	<i>Hunter Benjamin.</i>				
15	Cash invested on mortgage in the Whitby Waterworks Company.	100 0 0	- - - - -	3 0 0	
	<i>Hunter Joseph.</i>				
20	Consols - - - -	531 9 3	"The Official Trustees of Charitable Funds."	13 5 8	
	<i>Pearson John.</i>				
	Two tenements in Loggerhead Yard Baxtergate Whitby.	—	- - - - -	0 10 0	
25	<i>Pearson William.</i>				
	House in New Way Ghaut Whitby.	—	- - - - -	0 10 0	
	<i>Pennock Isaac.</i>				
30	Seven tenements situate on the Cragg Whitby.	—	William Davidson and others.	29 5 0	
	<i>Porrirt Richmond.</i>				
35	Consols part of a sum of 1,050l. like Stock.	850 0 0	Thomas Nelthorpe Marwood deceased John Henry Harrowing Christopher Marwood Richard Smailes.	21 5 0	
	Consols (subsidiary Endowment of John Foster).	388 18 4	John Henry Harrowing Christopher Marwood and Richard Smailes.	—	
40	<i>Robertson John.</i>				
	Consols - - - -	1,115 3 9	"The Official Trustees of Charitable Funds."	27 17 4	
	<i>Robinson John.</i>				
	Consols - - - -	721 1 10	Do. do.	18 0 4	
45	<i>Rymer William.</i>				
	Consols - - - -	105 0 0	Do. do.	2 12 4	

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16 *Whitby Charities.* [2 GEO. 5.]

A.D. 1912.

Description.	Extent or Amount.	Tenant Person liable or Persons in whose Name invested.	Gross Yearly Income.	
<i>Turnbull Thomas.</i>				
Consols residue of the said sum of 1,050 <i>l.</i> Consols.	£ 200 0 0	<i>See under Porritt</i>	£ 5 0 0	5
<i>Usherwood William.</i>				
North Eastern Railway Company Four per cent. Stock.	100 0 0	.	4 0 0	
<i>Ward John.</i>				
North Eastern Railway Company Four per cent. Guaranteed Stock.	165 0 0	"The Official Trustees of Charitable Funds."	6 12 0	10

Whitby Charities.

A

B I L L

INTRODUCED

An Act to confirm a Scheme of the Charity Commissioners for the application or management of (1) Various Charities in the Ancient Parish of Whitby in the North Riding of the County of York and (2) the Charities of Alice Gallilee in Whitby and other places in the said North Riding.

(Brought from the Commons 14th February 1913.)

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 [Price 2*d.*]
 (221)

A.D. 1912.

Description.	Extent or Amount.	Tenant Person liable or Persons in whose Name invested.	Gross Yearly Income.	
<i>Turnbull Thomas.</i>	£ s. d.		£ s. d.	
Consols residue of the said sum of 1,050 <i>l.</i> Consols.	200 0 0	See under <i>Porritt</i>	5 0 0	5
<i>Usherwood William.</i>				
North Eastern Railway Com- pany Four per cent. Stock.	100 0 0		4 0 0	
<i>Ward John.</i>				10
North Eastern Railway Com- pany Four per cent. Guaranteed Stock.	165 0 0	"The Official Trustees of Charitable Funds."	6 12 0	

Whitby Charities.

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