



CHAPTER 1.

An Act to make further and better provision for the improvement health and local government of the urban district of Whitstable and for other purposes.
[30th July 1948.]

WHEREAS the urban district of Whitstable (in this Act referred to as "the district") is under the government of the urban district council of Whitstable (in this Act referred to as "the Council"):

And whereas by the Whitstable Water and Improvement Act 1902 the Council were authorised to purchase (inter alia) the undertaking of the Whitstable Water Company Limited and to supply water and the powers within the district of the Commissioners of Sewers for the levels of East Kent were transferred to the Council and further and better provision was made for the improvement health local government and finance of the district:

And whereas the said Act was amended by the Whitstable Order 1922 confirmed by the Ministry of Health Provisional Orders (No. 9) Act 1922 and the Whitstable Order 1924 confirmed by the Ministry of Health Provisional Orders (No. 1) Act 1924:

And whereas by the Kent Review Order 1934 the district was extended to include (inter alia) the parishes of Swalecliffe and Whitstable-cum-Seasalter in the rural district of Blean:

And whereas the district is a residential area and a seaside resort and has developed considerably in recent years:

And whereas the Council are the owners of certain lands in the district known as the Tankerton Cliff Slopes adjoining the sea for a distance of three-quarters of a mile:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed:

23 & 24 Geo. 5.
c. 51.

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Whitstable Urban District Council Act 1948. Short title.

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

Division of
Act into Parts.

Part I.—Preliminary.

Part II.—Streets and buildings.

Part III.—Sewers drains &c.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Human food.

Part VI.—Parks &c.

Part VII.—Lands.

Part VIII.—Financial provisions.

Part IX.—Miscellaneous.

Part X.—General.

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act. Incorporation
of Acts.
8 & 9 Vict.
c. 18.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.
26 Geo. 5. &
1 Edw. 8.
c. 49.

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

“ The district ” means the urban district of Whitstable;

“ The Council ” means the urban district council of Whitstable;

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—cont.

9 & 10 Geo. 5.
c. 57.
10 & 11 Geo. 6.
c. 51.

38 & 39 Vict.
c. 55.

55 & 56 Vict.
c. 57.

1 & 2 Geo. 6.
c. 56.

2 Edw. 7.
c. ccxxxix.

38 & 39 Vict.
c. 83.

- “ The county council ” means the county council of the administrative county of Kent;
- “ The clerk ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the clerk the surveyor the medical officer of health and any sanitary inspector of the Council;
- “ The Minister ” means the Minister of Health;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and the Town and Country Planning Act 1947;
- “ Local planning authority ” has the same meaning as in the Town and Country Planning Act 1947;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;
- “ The Act of 1892 ” means the Private Street Works Act 1892;
- “ Sunday school ” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “ Child ” means a person under the age of sixteen years;
- “ Food ” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938;
- “ Public service vehicle ” has the same meaning as in the Road Traffic Acts 1930 to 1947;
- “ Daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction;
- “ The Act of 1902 ” means the Whitstable Water and Improvement Act 1902;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the district;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

“ Authorised security ” means any mortgage stock or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money;

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933.

PART II.

STREETS AND BUILDINGS.

5.—(1) The Council may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street for the adjustment of the boundary of any such street within the district and for such purpose may give land including land forming part of the street in exchange for other land For the purposes of this section the Council shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

Adjustment
of boundaries
of streets.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the district and during such period of one month any four inhabitant householders of the district by themselves or their agent or the county council if the street is a county road may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of the section of this Act of which the marginal note is “ As to appeals ” shall apply to any such appeal as if the proposals were a decision of the Council.

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41 & 42 Vict.
c. 76.

(3) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street Provided that if the Council or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 of the Telegraph Act 1878 shall thereupon apply in all respects as though the Council or the said person (as the case may be) were undertakers within the meaning of the said Act.

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

Adjustment
of boundaries
of estates.

6.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Council for approval the Council may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Council and the respective persons interested in such estate or lands be determined on the application of the Council or any such person by an arbitrator to be appointed by the Minister and the Council may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid:

Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly

stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Council.

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

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

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

Crossings for horses or vehicles over footways.

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Council may prescribe or subject to such other reasonable conditions (if any) as they may impose.

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

(3) If the Council allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled

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vehicle (other than a motor-cycle) subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(4) Notwithstanding the provisions of section 115 of the Act of 1902 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Council for an estimate of the cost thereof and after having obtained such estimate may deposit with the Council the amount thereof. When such deposit shall have been made the Council shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Council by or to such person as the case may require.

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

Power to place
fences near
school
entrances &c.

8.—(1) For the purpose of preventing danger to pedestrians from traffic the Council may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools public baths public parks recreation grounds playing fields alleyways and passageways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 of the Public Health Act 1875 are exercisable by them as respects roads so repairable and the Council may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

(2) The Council shall consult the county council before placing any fence rails and posts adjacent to the entrance to or exit from any school maintained by the local education authority.

As to barriers
in streets.

9.—(1) It shall be lawful for the Council—

(a) at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports or illuminations or on emergencies to cause barricades to be erected across any of the streets of the district; and

(b) at all times of ceremonies public processions fairs exhibitions carnivals races sports or illuminations to cause flagpoles and pylons to be erected in any of

such streets for the purpose of displaying decorations;

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and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes damages or interferes with any such barricade flagpole or pylon or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades flagpoles and pylons the Council may construct or place and maintain in and under the surface of the streets of the district such sockets or slots as may in their opinion be necessary or convenient.

10.—(1) The powers conferred by section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 shall within the district extend to enable the Council at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

Power to make regulations as to traffic on carnival &c. days.

10 & 11 Vict. c. 89.

(2) The Council shall forthwith upon issuing any direction in pursuance of this section give notice thereof to the chief constable of the county of Kent.

(3) The Council shall not exercise the powers of this or the last preceding section of this Act in such manner as to cause obstruction to the access to or egress from any station or depot of any railway undertakers except with the consent of such undertakers but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

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

Notice of processions to be given.

(2) The Council shall as soon as reasonably practicable after receipt of such notice communicate the information therein contained to the chief constable of the county of Kent.

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

Fencing of
forecourts.

12.—(1) In any case in which the forecourt of any premises adjoining a street within the district or any steps or projection placed in any such forecourt or any goods placed therein whether for sale or not is or are a source of danger obstruction or inconvenience to the public the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provision as
to forecourts.

13.—(1) If the Council shall by resolution determine that any stall structure or other erection not being an advertisement as defined in the Town and Country Planning Act 1947 on any forecourt within the district is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to erection
of retaining
walls.

14.—(1) Before any person (other than a highway authority) shall erect on any land within the district a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street he shall submit to the Council plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Council.

(2) The Council shall consult the county council before approving plans sections and specifications in respect of a retaining wall abutting on or adjacent to or within twelve feet of a road in respect of which the functions of maintenance and repair are for the time being exerciseable by the county council.

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

(4) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by any railway undertakers or to any retaining wall erected thereon.

15.—(1) It shall be lawful for the owner or occupier of any property with the consent in writing of the Council to construct in any pavement forming part of any street in the district any means (in this section referred to as "pavement lights") for the admission of light or air through such pavement to any room or premises situate under or adjoining the same. As to pavement lights.

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

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

16. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life-saving apparatus or any other property of the Council shall make full compensation to the Council for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Council) be recovered summarily as a civil debt. Compensation for injuring lamps &c.

17.—(1) Any person erecting setting up or placing any blind shade covering or awning over any footway shall so erect set up or place the same that no part thereof shall project over any part of the footway which is less than one foot six inches from the outer edge of the kerb of such footway. Window blinds &c.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure in accordance with the requirements of the Council the safety and convenience of the public.

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

Power to lay
out grass
margins &c.
in streets.

18. The Council may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Council may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively:

Provided that—

- (1) nothing in this section contained shall empower the Council to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street;
- (2) for the purposes of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Council shall be deemed to be the undertakers.

As to
termination of
new streets.

19.—(1) The Council may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the district by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence hedge or other obstruction at either end of such new street in order to secure means of communication between such new street and any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that such prohibition shall not become operative until the streets on both sides of such wall or fence hedge or other obstruction shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Council under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

20. The Council may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

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—cont.
Byelaws as to alteration of streets.

21.—(1) The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street within the district repairable by the inhabitants at large:

Power to vary width of carriageways and footways.

Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of Transport.

(2) The Council shall not exercise the powers of this section in respect of any street situate upon a bridge over the railway of any railway undertakers or upon the approaches thereto without the previous consent in writing of the railway undertakers or if such consent be unreasonably withheld the consent of the Minister of Transport.

22.—(1) In connection with the purposes mentioned in section 154 (Power to purchase premises for improvement of streets) of the Public Health Act 1875 the Council may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Council shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

(3) The Council shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any station or depot of any railway undertakers or any school maintained by the local education authority.

23.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the district either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Council shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street then when such work has been executed by the Council it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Council which consent shall not be un-

Restrictions on rights of breaking up streets.

PART II.
—cont.

reasonably withheld and the Council may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

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

(2) Any dispute or difference which may arise between the Council and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Council in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or electricity as the case may be.

In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

62 & 63 Vict.
c. 19.

Provisions
as to tents
vans &c.
51 & 52 Vict.
c. 52.

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

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access.

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

(4) The provisions of this section are in addition to and not in substitution for any requirements of the Town and Country Planning Act 1947.

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

As to
hoardings
and similar
structures.

(i) beyond any building line prescribed by the Council in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 140 of the Housing Act 1936; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

26 Geo. 5. &
1 Edw. 8. c. 51.

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

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

(b) Any person who shall neglect or refuse to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not (a) be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date or (b) apply

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to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete or (c) apply to any advertisement as defined in the Town and Country Planning Act 1947.

(4) The provisions of this section shall not (a) apply to any wall erected on land belonging to any railway undertakers so long as such land is used by such undertakers primarily for railway purposes or (b) prejudice the exercise in regard to any county road or any part thereof of the powers contained in or the operation of any restriction imposed under section 4 of the Roads Improvement Act 1925.

15 & 16 Geo. 5.
c. 68.

As to erection
of hoardings
&c. at street
corners.

26.—(1) No person shall place or erect in the district any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street unless he has given to the Council notice of his intention so to do accompanied by plans and particulars of the hoarding wall or fence and the Council have approved the placing or erection thereof under this section.

(2) Within one month from the receipt of such a notice from any person the Council may give him notice that they disapprove the placing or erection of the hoarding wall or fence or that they approve it only subject to such conditions or to such modifications of the plans and particulars submitted to them as may be specified in the notice:

Provided that a notice shall not be given under this subsection except on the ground that the hoarding wall or fence would by obstructing the view of foot passengers or drivers of vehicles constitute a danger to the traffic in the streets upon adjoining or near to which it is proposed to be placed or erected or (as the case may be) would constitute such a danger unless placed or erected subject to the conditions or modifications specified in the notice.

(3) The Council may at any time within the said month give notice that they approve the placing or erection of the hoarding wall or fence in accordance with the plans and particulars submitted to them and if within the said month the Council have not given notice under the last foregoing subsection they shall be deemed for the purpose of this section to have approved the placing or erection of the hoarding wall or fence in accordance with those plans and particulars.

(4) Where the Council have approved the placing or erection of the hoarding wall or fence it shall not be placed or

erected otherwise than in accordance with the plans and particulars submitted as aforesaid or if notice has been given under subsection (2) of this section of any conditions or modifications then in accordance with those conditions and with such plans and particulars as modified by the notice.

(5) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Council may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(6) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

(7) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925.

27.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Council made with the consent of the local planning authority for the district in which the highway is situate that a highway within the district not being a trunk road is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the district can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted:

Stopping up
and diversion
of highways.

Provided that the Council shall not make an application under this section in regard to a county road without the consent of the county council which shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

(2) Any such application or order may be made with respect to any length of a highway and in the subsequent provisions of this section any reference to a highway shall be construed as a reference to that length thereof to which the application or order relates.

(3) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(a) has at least twenty-eight days before the date on which the application is made been served either personally

PART II.
—cont.

19 & 20 Geo. 5.
c. 17.

or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport and the county council; and

(b) has^{ed} during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as are reasonably sufficient for notifying persons using the highway of the application;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the district.

(4) On the hearing of such an application the Council and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Council or by any such person as aforesaid who was or claimed to be heard by the court.

42 & 43 Vict.
c. 49.

23 & 24 Geo. 5.
c. 38.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

(a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;

(b) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal;

(c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

(6) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

(7) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of the local planning authority for the district

in which that land is situate and of every person having a legal interest in that land is produced to and deposited with the court; and

- (ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace for the county of Kent.

(8) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court shall forthwith transmit the order to the clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (7) of this section among the records of quarter sessions.

(9) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the person (if any) by whom the original highway was repairable:

Provided that the owner of any land shall not be required to maintain so much of a highway as is diverted from his land.

(10) Any application or order under this section—

(a) may include two or more highways which are connected with each other;

(b) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway.

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

28.—(1) Every house erected after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any owner who shall occupy or allow to be occupied any such house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food storage
accommoda-
tion to be
provided.

(2) Every existing house and every house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with sufficient and suitable accommodation for the storage of food and any owner who shall occupy or allow to be

PART II.
—cont.

occupied any such house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling and the conversion of a building into two or more separate dwellings shall be deemed to be the erection of a house.

Power to order
alteration of
chimneys.

29. It shall be lawful for a court of summary jurisdiction upon complaint by the Council in pursuance of a report by the medical officer or the sanitary inspector that any smoke gas or vapour from any chimney flue or pipe of a washhouse or out-building forming part of or in proximity to a house in the district is a nuisance to any of the inhabitants of the district to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Height of
chimneys.

30.—(1) Every chimney erected in the district after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice in writing given by the Council to the owner of such chimney be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably require having regard to the use of such chimney the position of houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Council may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement:

10 & 11 Geo. 5.
c. 18.

Provided that before exercising the powers conferred by this section in relation to any chimney situated within one mile of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating that Act the Council shall obtain the consent of the Minister of Civil Aviation.

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

31.—(1) The contractor engaged in or upon the construction or reconstruction of any work not being a work to which section 107 or section 108 of the Factories Act 1937 applies shall where practicable and if required by the Council provide to the reasonable satisfaction of the Council and until the completion of any such construction or reconstruction maintain such water or other closets and urinals in or in connection with such work as may be sufficient for the accommodation of the workmen employed.

PART II.
—cont.
Sanitary
conveniences
for workmen.
1 Edw. 8. &
1 Geo. 6.
c. 67.

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

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

Further
powers as to
future line
of street.

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

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

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

(5) Any person who shall fail to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART II.

—cont.

No building
allowed until
street defined.

33.—(1) Where plans and sections of a new street have been deposited with and approved by the Council no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for any person to erect the building or any fence nearer to the centre of the street than any posts or other marks by which the width of the street has been defined.

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

No building
to be erected
until street
formed.

34.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Council so to do construct the carriageway of such new street or such part of the new street as may be required by the Council in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street:

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

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

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

Rounding of
corners at
street
junctions.

35. The powers conferred upon the Council by section 108 of the Act of 1902 to vary the intended position or direction of a new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto shall be extended so as to enable them.

(subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall for the purposes of safety be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius as may be determined by the Council.

36.—(1) Where any highway or portion of a highway is stopped up in pursuance of an order made under the section of this Act whereof the marginal note is "Stopping up and diversion of highways" the following provisions shall unless otherwise agreed in writing between the Council and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up:—

(a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or portion of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Council of his intention to remove the line or that part thereof as the case may be;

(b) The Postmaster-General may by notice to the Council in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(c) The Postmaster-General shall be entitled to recover from the Council the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;

(d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Council and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

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Act, 1948.

PART II.
—cont.

(2) As soon as the whole or any portion of any highway has been stopped up the Council shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) If in relation to the works authorised by the sections of this Act whereof the respective marginal notes are "Power to vary width of carriageways and footways" and "Rounding of corners at street junctions" (which said sections are hereinafter referred to as "the specified sections") the Council require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

(4) If in consequence of the exercise or intended exercise by the Council of any of the powers conferred on them by the specified sections the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any highway affected by the exercise or intended exercise by the Council of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Council shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof Provided that—

(a) before making such alteration the Postmaster-General shall give a notice to the Council containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(b) the Council may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Council is to be carried out.

(5) Expressions in this section have the same meaning as in the Telegraph Act 1878.

37. The Council when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Council under this section shall be deemed part of the expenses of carrying out the private street works in any such street. Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street:

PART II.
—cont.
Planting of
trees in
private streets.

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Council shall be deemed to be the undertakers.

38.—(1) If—

As to evasion
by owners of
private street
works
expenses.

(a) any owner of land fronting adjoining or abutting on—

(i) a street within the meaning of the Act of 1892; or

(ii) land which is deemed to be a private street by virtue of a declaration made in accordance with the provisions of section 48 (Construction and improvement of private streets) of the Town and Country Planning Act 1947;

and situate in the district conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street or land which is so deemed to be a private street; and

(b) any expenses of works executed by the Council under the Act of 1892 in or in relation to that street or in or in relation to land which is so deemed to be a private street are apportioned on such part or portion of the land fronting adjoining or abutting thereon; and

(c) the Council are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and

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PART II.
—cont.

(d) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the Act of 1892;

then such expenses or so much thereof as has not been recovered by the Council may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under the Act of 1892 may be recovered as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street or such land which is so deemed to be a private street.

(2) In respect of land which is deemed to be a private street by virtue of a declaration made in accordance with the provisions of section 48 of the Town and Country Planning Act 1947 references to the Act of 1892 in the preceding subsection shall be construed as including references to that Act subject to such exceptions adaptations and modifications as may be prescribed by regulations made under the said section 48.

Urgent repairs
of private
streets.

39.—(1) In any street not being a highway repairable by the inhabitants at large the Council may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves defray the cost of the repairs out of the general rate fund:

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed ten pounds for each one hundred yards of the length of the street.

(2) The exercise by the Council of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the district relating to private street works or private improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

Application of
Act of 1892
to parts of
public streets.

40.—(1) In this section the expression "private street works" has the same meaning as in section 6 (Private street works) of the Act of 1892.

(2) Notwithstanding anything contained in the Act of 1892 where it appears to the Council that by reason of additions made otherwise than by the giving up for the purpose by the Council of lands owned by them to an existing footpath bridle-path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) a new street

has been formed the Council may in respect of such street or any part of such street carry out private street works under the provisions of the Act of 1892 and apportion the expenses thereof on the premises fronting adjoining or abutting on such street or such part thereof as if no part of the said street was so repairable.

(3) Notwithstanding anything contained in the Act of 1892 the Council may under the provisions of that Act carry out private street works throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions of subsection (2) of this section the Council shall be entitled to apportion against the premises liable to be charged therewith ~~only such part of the expenses as relates to the portion of the street which is not so repairable.~~

(4) For the purposes of any apportionment under subsection (3) of this section premises fronting adjoining or abutting on a street shall be deemed to front adjoin or abut on the portion of the street which is not repairable by the inhabitants at large.

41.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a house (or where such plans have been approved but the erection of the building has not been begun before the passing of this Act at any time before the erection thereof has been commenced) the Council may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Council shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

Means of
access to
buildings.

(2) If it appears to the Council to be necessary that the means of communication to be provided under this section shall be in the form of a street the Council may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws or other provisions in force with respect to the construction of new streets.

(3) Where notice of a requirement under this section has been given by the Council to any person such person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the

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PART II.
—cont.

Council has been complied with or until security has been given to the satisfaction of the Council that the notice will be complied with.

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

Cellars not to be constructed below subsoil water level.

42.—(1) The Council may prohibit the construction in or in connection with any house within the district of any cellar or room the floor level of which shall be lower than the ordinary level of the subsoil water on under or adjacent to the land on which such house shall be erected.

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

Erection of buildings to greater height than adjoining building.

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

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

Means of access to houses for removal of refuse.

44.—(1) Where it appears to the Council that any building which is let in flats or tenement dwellings is without satisfactory means of access for the purpose of the removal of refuse—

(a) from each of such flats or tenement dwellings to a satisfactory place of storage of refuse; and

(b) from such place of storage to a street;

the Council may require the owner of the flat or tenement dwelling to provide such satisfactory means of access for those purposes.

(2) Any person who shall fail to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Powers on inspection.

45.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction or

repair the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works.

(2) Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

46. Section 44 of the Public Health Act 1936 shall with the necessary modifications apply to a part of a house within the district occupied by a separate family as it applies to the whole of a house.

Closet accommodation in houses occupied by more than one family.

47.—(1) Every person intending to erect any stand or structure within the district for affording sitting or standing accommodation for not less than twenty persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Council a plan and section thereof and shall comply with such conditions as the Council may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

Restriction on erection of stands &c.

(2) Any person aggrieved by any conditions prescribed by the Council under subsection (1) of this section may appeal in accordance with the section of this Act whereof the marginal note is "As to appeals":

Provided that pending the determination of such appeal twenty or more persons shall not be admitted to such stand or structure unless the conditions prescribed by the Council have been complied with.

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

(4) The provisions of this section shall not apply to any stand or structure erected by a person who is the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

(5) Nothing in this section shall render lawful the erection of any stand or structure which would not have been lawful apart from the provisions of this section.

48.—(1) In this section—

As to neglected sites.

"neglected site" means the site of a demolished building in the district which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood;

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Act, 1948.

PART II.
—cont.

“ owner ” in relation to a neglected site means a person other than a mortgagee not in possession who is for the time being entitled to dispose of the fee simple of the neglected site whether in possession or in reversion and includes also a person holding or entitled to the rents and profits of the neglected site under a lease or agreement the unexpired term whereof exceeds three years.

(2) A court of summary jurisdiction on complaint by the Council may order the owner of any neglected site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Council at any time after the expiration of such time may enter upon the neglected site and execute the order.

(4) All expenses incurred by the Council under subsection (3) of this section in relation to a neglected site may be recovered by the Council from the owner of the neglected site and if the amount does not exceed twenty pounds in a summary manner.

Undertakings
to bind
successive
owners.

49.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Council to or by the owner of any legal estate in land or property on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Council and such owner or his successor in title or person claiming through or under him shall be entitled to require from the Council a copy of such undertaking or agreement.

(2) Any such undertaking or agreement of such owner shall be treated as a local land charge for the purposes of the 15 & 16 Geo. 5. Land Charges Act 1925.
c. 22.

(3) Any such undertaking or agreement of such owner shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

Saving for
railways.

50. Nothing contained in the sections in this Part of this Act of which the marginal notes are “ Height of chimneys ” and “ Urgent repairs of private streets ” shall extend or apply to any building (not being a house or building used as offices other than a building so used which forms part of a railway station) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any

railway undertakers in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by such undertakers with the authority of Parliament so long as any such building railway work or land is used or held primarily for railway purposes.

PART II.
—cont.

PART III.

SEWERS DRAINS &C.

51. For the purpose of facilitating the disposal of surface water and sewage the powers of the Council under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in the district to provide separate sewers for the reception of surface water and of sewage respectively.

Separate
sewers for
sewage and
surface water.

52.—(1) The powers of the Council under section 21 of the Public Health Act 1925 shall extend to authorise them to require the execution and maintenance of such works as may be necessary to convey surface water from premises to which that section applies to some drain sewer or watercourse or the disposal of such surface water in such other manner as the Council may require.

Water from
buildings
&c. to be
conveyed
to sewers.

(2) It shall be the duty of all owners of land or premises to provide lay and keep in repair such gutters drains channels and other works as may be requisite for complying with section 21 of the Public Health Act 1925 as amended by this section and for the purpose of laying and repairing the same the owner of any land or premises may take up so much of any street as may be requisite and such gutters drains channels and other works shall be laid and thereafter kept in good repair and condition and the street shall be reinstated under the direction in the case of a county road of the surveyor of the county council and in the case of any other road of the surveyor and all damage occasioned to the street shall be made good by such owner to the satisfaction of the surveyor of the county council or of the surveyor as the case may be.

(3) In the event of default on the part of the owner of any land or premises to comply with the provisions of subsection (2) of this section the Council may execute any necessary work and recover the cost of so doing from such owner.

53. Section 81 of the Public Health Act 1936 shall extend to empower the Council to make byelaws for preventing slop water from any house or premises from being discharged or thrown or suffered to be discharged or thrown or to pass into any street gully in the district.

Byelaws as to
throwing slop
water into
street gullies.

PART III.
—cont.
Apportionment to frontagers of expenses of sewer constructed under public highway.

54.—(1) Where the Council resolve to construct a sewer in a street or part of a street within the district repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Council increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act whereof the marginal note is "Provisions applicable to the last two preceding sections" the expenses incurred by the Council in constructing the sewer so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the district but shall become operative as from the date of such publication. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Council and the owner of the land.

Apportionment to frontagers of expenses of construction of sewer before land became a street.

55.—(1) Where the Council have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the district and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section of this Act the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Council and the owner of the land.

56.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

PART III.
—cont.

Provisions applicable to the last two preceding sections.

(2) As soon as the apportionment has been made the Council shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of a street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other

PART III.
—cont.

accident) to such a distance that the part of that wall remaining (if any) is less than half the previous height of the building (the height being measured from the ground level to the highest point of the building);

(ii) the conversion into a house of any building not originally constructed for human habitation;

(iii) the conversion of any premises into a factory workshop shop or place of public resort; and

(iv) any extension by reason whereof the area occupied by the site of a building will (with any previous extension made since the date in question) be increased by an area equal to more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act whereof the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Council or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered either as a simple contract debt in any court of competent

jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt by the Council from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

57. If on a complaint by the Council to a court of summary jurisdiction it is proved to the satisfaction of the court— As to evasion by owners of sewerage expenses.

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" or as the case may be of the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of construction of sewer before land became a street"; and
- (iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the said sections of this Act;

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section of this Act is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under either of the said sections of this Act of which the marginal notes are "Apportionment to frontagers of expenses of sewer constructed under public highway" and "Apportionment to frontagers of expenses of construction of sewer before land became a street" may be recovered and is charged on the premises under the said last preceding section of this Act.

58.—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain private sewer water-closet or soil-pipe is stopped up the medical officer or the sanitary inspector shall give notice to the owner or occupier of the premises to remedy the defect and if such notice is not complied with within forty-eight hours from the service thereof As to defective drains &c.

PART III.
—cont.

the Council may carry out the work necessary to remedy the defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

(2) Upon any proceedings under this section the court may enquire whether any requirements contained in any notice given under this section or work done by the Council was reasonable and whether the expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Further power to examine and test drains &c. believed to be defective.

59. The powers of section 48 (Power of local authority to examine and test drains &c. believed to be defective) of the Public Health Act 1936 may be exercised in pursuance of any general or special directions given by the Council in any case where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

As to repair of drains.

60. If any drain or private sewer shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council it shall be lawful for the Council if in their opinion such drain or sewer can be sufficiently repaired at a cost not exceeding fifty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain or sewer in such proportions as the surveyor shall determine:

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

Cleansing of sinks and gullies.

61. The Council at the request of the owner or occupier of any premises may undertake the cleansing of any water-closets drains sinks or gullies in or connected with such premises for such remuneration as may be determined by the Council and the amount thereof shall be recoverable from the person by or on behalf of whom the request is made.

Penalty for damage to surface water drains &c.

62.—(1) Any person who stops up damages injures or removes any surface water drain or land drain by means of which water is conveyed from lands which do not belong to that person shall unless—

(a) before stopping up damaging injuring or removing such drain he shall have provided a proper substitute to the satisfaction of the Council; or

(b) he shows to the satisfaction of a court of summary jurisdiction that no material detriment is caused to such lands by stopping up damaging injuring or removing such drain;

PART III.
—cont.

be liable to a penalty not exceeding five pounds and the Council may give notice to the owner or lessee of the land on which such drain is situate requiring him to restore the drain to its former condition.

(2) If within the period of fourteen days the person to whom such notice is given shall not commence the work of restoration or replacement or if having commenced such work he does not complete the same with all diligence the Council may themselves carry out the work necessary in that behalf and may recover the expense incurred by them in so doing from such person in any court of competent jurisdiction.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

63.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the existence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Information to be furnished in case of notifiable disease.

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

64.—(1) As from the commencement of this section any parent or other person having the care or charge of a child attending at a school in the district who is aware of or has reason to suspect the occurrence of any disease to which this section applies in any person residing with him or is himself suffering from such a disease and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

Parents &c. to notify certain diseases.

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

PART IV.
—cont.

defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

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

Restrictions
on attendance
at schools
and places of
assembly.

65.—(1) As from the commencement of this section no person of or exceeding the age of sixteen years who has the custody charge or care of a child—

(a) who is or has been attending any school or any part thereof within the district which for the time being is closed by order of the local education authority or of any committee or body to whom powers of that authority are delegated with the view of preventing the spread of a disease to which this section applies; or

(b) who is suffering from a disease to which this section applies; or

(c) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly without having procured from the medical officer or school medical officer or the medical practitioner attending the child a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(3) In this section the expression "day school" means a school (not being a school maintained by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

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

PART IV,
—cont.

66.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of a disease to which this section applies require the closing of any Sunday school or day school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

Power to close schools and exclude children from entertainments.

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

(3) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(4) In this section the expression "day school" means a school (not being a school maintained by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

67. If any person at the request of the Council or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Council may make compensation to him for any loss occasioned by reason of such stoppage.

Compensation to persons for ceasing employment to prevent spread of disease.

68. If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease:

Entry into premises in case of disease.

Provided that the medical officer shall not under the powers of this section—

- (a) enter any premises except between the hours of seven in the morning and ten in the evening; or
- (b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

PART IV.
—cont.

Vacation of
filthy premises
during
cleansing.

69.—(1) (a) If the owner of any house or premises occupied therewith within the district represents to the Council that the occupier of such house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such house or premises and inspect the same and if the Council or a committee of the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer to a court of summary jurisdiction to be ordered to vacate the house or premises for such time to be specified in the order as may be reasonably required for remedying the condition of the house or premises by cleansing disinfecting or whitewashing or taking such other steps as may be necessary for such purpose.

(b) Any order made under this section may be enforced in the manner provided by section 34 of the Summary Jurisdiction Act 1879.

(2) The Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall not be deemed not to apply to a house or premises by reason only of the fact that such house or premises have been vacated in compliance with an order made under this section.

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

Discon-
tinuance of
offensive
trade.

70.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1936 and the Council by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Council may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

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

(3) If the Council in pursuance of this section require any person to cease to use such premises for the carrying on of

an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Council:

PART IV.
—cont.

Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

(5) Nothing contained in this section shall extend or apply to any premises used for the carrying on of a trade or business in the course of which by-products from animals slaughtered for food are manufactured worked-up processed produced sold or offered for sale For the purposes of this subsection "by-products" means and includes any material arising from any part of an animal after slaughter and whether in its natural state or after treatment.

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

72.—(1) No dealer shall sell or expose for sale any secondhand furniture mattress bed-linen clothing or similar articles if the same are to his knowledge infested with bed bugs lice or fleas or if by taking reasonable precautions he could have known the same to be so infested. Prohibition on sale of verminous furniture or clothing.

(2) Any dealer offending against the provisions of this section shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression "dealer" means any person (other than a pawnbroker) who trades in secondhand furniture mattresses bed-linen clothing or similar articles for reward.

PART V.

HUMAN FOOD.

Registration
of hawkers
of food.

73.—(1) As from the commencement of this section the following provisions shall have effect in the district:—

(a) No person other than a person keeping open shop for the sale of food shall either by himself or by any person employed by him sell offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is registered with the Council;

(b) No premises shall be used as storage accommodation for any food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless the premises are registered as aforesaid.

(2) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

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

(4) (a) The Council may refuse to register any person or premises under this section or (after giving one month's notice to the person registered or in whose name the premises are registered) may revoke the registration of any person or premises under this section if they are satisfied—

(i) as regards a person that the public health is or is likely to be endangered by any act or default of his in relation to the quality storage or distribution of food;

(ii) as regards premises that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Council shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Council should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Council refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him

within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction (under the section of this Act of which the marginal note is "As to appeals") against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) The medical officer the sanitary inspector or any other officer of the Council appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the district in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

(6) The Council shall keep a register of the persons and premises registered under the provisions of this section.

(7) The provisions of this section shall not apply to any premises registered under section 14 of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II of that Act or under regulations made thereunder.

(8) The provisions of this section shall not apply to any premises used as a cinematograph theatre or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

(9) In this section the expression "food" does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination.

74.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the district in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Council may request such person to stop his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration

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Act, 1948.

PART V.
—cont.

of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Council to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

Precautions
against
contamination
of food.

75.—(1) The occupier of any shop cellar passage or other space forming the whole or part of a building being a shop cellar passage or other space in which food (other than (a) milk (b) meat to which the Public Health (Meat) Regulations 1924 apply and (c) food which is packed in tins or other strongly constructed and impervious cases) is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall take all such steps as may be reasonably necessary to guard against the contamination of such food by animals and insects and shall cause such food to be so placed as to prevent mud filth or other contaminating substance being splashed or blown thereon.

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

PART VI.

PARKS & C.

Boating pools.

76.—(1) Subject to the provisions of this Act the Council may in any park recreation ground or open space belonging to them construct and maintain boating pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith.

(2) The Council may make such reasonable charges as they may think fit for the admission to and use of any boating pools by this Act authorised to be constructed or any part thereof or any buildings works appliances or conveniences provided in connection therewith and the Council may if they think fit let any such buildings works appliances and conveniences.

53 & 54 Vict.
c. 59.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a boating pool were a lake or piece of water in a park or pleasure ground provided by the Council.

(4) The Council may make byelaws for regulating the use of any such boating pool and works appliances and conveniences in connection therewith.

PART VI.
—cont.

77.—(1) The Council may provide erect maintain and use such apparatus and conveniences as they may consider necessary for the purpose of transmitting any concert or entertainment or any part thereof from a building or recreation ground belonging to the Council at which such concert or entertainment is provided to any other building or recreation ground at which concerts or entertainments may be provided by the Council and for that purpose may erect and maintain posts and wires in any street but no such posts or wires shall be erected in any county road without the consent of the county council.

Transmission
of enter-
tainments.

(2) Nothing in this section shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 or exempt the Council or any other body or person from any obligation to obtain any licence under the Wireless Telegraphy Acts 1904 to 1926 and any electrical apparatus posts or wires which may be erected under this section shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

32 & 33 Vict.
c. 73.

78. When any portion of any park or place of public resort or recreation is set apart by the Council for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Council may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Council may think fit:

Charges for
and letting of
parks &c.
for games.

Provided that nothing in this section shall empower the Council to permit at one and the same time the exclusive use of more than one-half of the area of any park or place of public resort or recreation for the time being belonging to them or under their control or more than one-quarter of the total area of all such parks and places.

79.—(1) The provisions of section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 shall extend to enable the Council from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks recreation grounds or pleasure grounds not exceeding in the case of

As to use of
parts of
recreation
grounds for
parking places
25 & 26 Geo. 5
c. 47.

PART VI.
—cont.

any park recreation ground or pleasure ground one acre or one-eighth of the area of such park recreation ground or pleasure ground (whichever may be the less) as the Minister may sanction and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall mutatis mutandis apply and have effect for the purposes of this subsection.

20 & 21 Geo. 5.
c. 43.

(2) The provisions of section 90 of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof shall apply to any parking place provided under this section.

Saving for trusts covenants &c. in conveyances and leases.

80. No power conferred upon the Council by the preceding sections of this Part of this Act shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Council without an order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

Prohibiting public speeches &c. on promenade.

81.—(1) Where any part of the promenades (which expression does not include any county road) has by notices affixed in conspicuous positions on the promenades been set apart by the Council for the delivery of lectures sermons or speeches—

(a) no person shall without the consent of the Council which consent shall only be given in respect of public ceremonial occasions deliver any lecture sermon or speech on any other part of the promenades;

(b) no person shall use or attempt to use any such part in such manner as to interfere with or hinder any person already using it for the purpose for which it has been set apart.

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

Penalty for unauthorised erection of booths &c.

82. If any person shall erect provide or place or maintain on the seashore belonging or let to the Council any booth tent chair shed bathing-hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or except with the consent in writing of the Council he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings:

Provided that nothing in this section shall prevent the bringing by any person on to the seashore of any chair for his own personal use or that of his family.

PART VI.
—cont.

83.—(1) The Council may procure officers appointed by them for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. Officers may be sworn in as constables.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1948 or any other enactments relating to pensions gratuities and allowances in respect of police service. 11 & 12 Geo. 6. c. 24.

84. The Council may—

Establishment of golf courses.

- (1) upon any lands already acquired by the Council and used for the purpose of a golf course or acquired or appropriated after the passing of this Act for that purpose form construct alter maintain regulate manage and use golf courses with all proper and convenient houses pavilions works buildings and conveniences;
- (2) make charges for the use of any of their golf courses or of any part thereof and of any buildings conveniences or apparatus provided in connection therewith;
- (3) permit the use by any club or other body or persons of any of their golf courses lands buildings conveniences or apparatus aforesaid subject to such charges and conditions as the Council may think fit;
- (4) let on lease or otherwise to any club company body or persons any of their golf courses or any part thereof and the lands houses pavilions works buildings and conveniences as aforesaid for such consideration and upon such terms and conditions as the Council may think fit;
- (5) (a) provide and sell and may enter into any agreement or arrangement with any person for the provision and sale at any such golf course or in any such house pavilion or building as aforesaid of refreshments of all kinds subject to the provisions of all Acts relating thereto and may also upon such terms and conditions and for such periods as they may think fit grant to any person the right so to provide and sell refreshments;

PART VI.
—cont.

(b) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of beer or intoxicating liquors or of tobacco for the purposes of this subsection;

- (6) make and enforce byelaws for regulating the use of their golf courses whether within or without the district and the conduct of persons using the same or resorting thereto;
- (7) employ officers and servants in connection with and for the purposes of the powers aforesaid.

Removal of
sand &c. from
seashore.

85.—(1) Any person who at any time digs carries away or removes any sand marl gravel shingle rock soil or other material from any portion of the seashore or beach above or below high-water mark for the time being owned by or leased to the Council or from any sea defence work or embankment esplanade footway or carriageway vested in the Council upon which such sand marl gravel shingle rock soil or other material has been thrown by the sea within or fronting on the district without having first obtained the licence in writing of the Council or who having obtained such licence digs carries away or removes any sand marl gravel shingle rock soil or other material from any part of the seashore or beach as aforesaid or from any sea defence work or embankment esplanade footway or carriageway as aforesaid in any quantity or manner other than the part quantity or manner permitted by such licence shall for every such offence be liable to a penalty not exceeding twenty pounds.

(2) The Council shall not grant any licence as aforesaid which shall contravene any covenant or condition subject to which a gift conveyance or lease of any portion of the seashore or beach has been accepted or made without the consent of the donor grantor lessor or other person or persons entitled in law to the benefit of such covenant or condition.

(3) Nothing in this section shall affect the operation of any byelaw made by the Kent Rivers Catchment Board for the purpose of controlling the removal of materials from the foreshore or adjacent to sea walls or tidal embankments within the catchment area of such board.

Byelaws as
to boats.

86.—(1) The Council for securing safety in navigation or for the prevention of noise or of danger obstruction or annoyance to persons boating or bathing or using the beach and foreshore for either of those purposes or otherwise may make byelaws—

- (a) requiring the fitting of efficient silencers on boats propelled by internal combustion engines;

(b) prohibiting regulating or controlling the keeping or landing of boats on such parts of the beach and foreshore as shall be specified in such byelaws;

(c) requiring boats of any specified class or description to be kept on such parts of the beach and foreshore as may be specified in such byelaws.

(2) The Council may charge for any licence or permission granted by them to keep a boat on any part of the beach or foreshore owned by or leased to them such sum (not exceeding one pound for each such licence or permission) as they may think fit and such sum may be recovered summarily as a civil debt.

(3) No byelaw made under this section shall affect any right or privilege of owners of boats engaged in the fishing industry which may exist at the time of the making of such byelaw and no byelaw made under paragraph (a) of subsection (1) of this section shall apply to any boat (not being a boat required to be licensed by the Council) which is ordinarily kept outside the district.

87.—(1) The powers of the Council to make byelaws and impose penalties for the breach thereof with respect to boats (whether required to be licensed by the Council or not) shall extend and be applicable for a distance of three miles seaward from low-water mark of ordinary tides.

As to byelaws with respect to boats and vessels.

(2) All breaches of such byelaws committed within the said distance seaward from low-water mark may be inquired into and dealt with as if they had been committed within the district.

PART VII.

LANDS.

88.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

Further powers for the acquisition of lands.

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

PART VII.
—cont.
Retention
and disposal
of lands

89.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Council may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

Provided also that nothing in this section shall be taken to dispense with the consent of any government department to any sale lease appropriation or other disposition of any lands of the Council (other than lands acquired under any local Act applying to the Council) in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

Reservation of
easements &c.

90. The Council on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such

sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

91.—(1) The Council may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any local Act for the time being in force within the district and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

Powers with reference to leases of lands.

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

92.—(1) The Council may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Council and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

Power to develop lands.

(2) The Council may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

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

Houses for persons in employment of Council.

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

94.—(1) The Council may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by

Proceeds of sale of surplus lands.

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Act, 1948.

PART VII.
—cont.

leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Council on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

Purchase of
lands for
exchange.

95. The powers of the Council of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

Power to
reinstate
owners of
property.

96. The Council may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Council under the provisions of any general or local enactment from time to time in force in the district with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Council may pay or receive money for equality of exchange.

PART VIII.

FINANCIAL PROVISIONS.

Power to
borrow.

97.—(1) The Council may from time to time independently of any other borrowing power borrow at interest the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Council may determine not exceeding five years from the passing of this Act.

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

borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX. PART VIII:
—cont.

98. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945. As to exercise
of borrowing
powers.
8 & 9 Geo. 6.
c. 18.

99. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Council. Receipts in
case of minors.

100.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and forty-eight the Council may (if they think fit) establish a fund to be called “ the consolidated loans fund ” to which shall be paid— Consolidated
loans fund.

- (a) all moneys borrowed by the Council by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

- (a) in the redemption of authorised securities the purchase of stock for extinction or the repayment of any moneys borrowed by the Council; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be

PART VIII.
—cont.

repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

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

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

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

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(7) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

Capital fund.

101.—(1) The Council may establish a fund to be called "the capital fund" to which they may pay any sums derived from the sale of any property of the Council the balance of the general rate fund in hand on the thirty-first day of March

in any year and such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) as the Council may by resolution direct (not being moneys directed by law to be applied to any other purpose):

Provided that—

(a) any sum directed by the Council to be paid to the capital fund from the general rate fund (exclusive of the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) shall not exceed in any year the equivalent of twice the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925;

15 & 16 Geo. 5.
c. 90.

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

(2) The Council may apply the money in the capital fund for the purpose of defraying any expenditure to which capital is properly applicable to an amount not exceeding in any one transaction the sum of six thousand pounds or such greater sum as may be allowed by the Minister in any case and in the exercise of any statutory borrowing power possessed by them other than in connection with any of the undertakings of the Council as from time to time existing from which revenue is derived or in providing money for payments into sinking funds in respect of loans raised under any such borrowing power (but not in making the annual payment required to be made thereto).

(3) (a) Pending the application of the capital fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

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

(4) All moneys derived from the sale of any property of the Council which are applied from the capital fund under the provisions of this section shall be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Council:

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Provided that where the advance is in the exercise of a statutory borrowing power such period shall not exceed the period prescribed for the repayment of moneys borrowed under that power.

Renewal and
repairs fund.

102.—(1) The Council may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding the equivalent of a rate of one penny in the pound calculated according to the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925.

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

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for—

(a) the provision maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things; and

(b) the maintenance and repair of paths and apparatus in public walks and pleasure grounds and of buildings; and

(c) the maintenance and repair of buildings (not being buildings in respect of which the Council are required by the Housing Act 1936 to keep a housing repairs account);

which are not comprised in the undertakings of the Council as from time to time existing from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(4) (a) Pending the application of the renewal and repairs fund to the purposes authorised by subsection (3) of this section the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

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

103.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Council (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the income from any authorised fund provided in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or used for those purposes under any enactment;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings" other than the purpose mentioned in paragraph (e) of this subsection.

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

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

104.—(1) If in respect of any year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the Council out of the general

Application
of revenue of
undertakings.

PART VIII.
—cont.

rate fund in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Council may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) in the renewal and the construction extension or improvement of any works and conveniences for the purposes of the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;
- (c) in providing a reserve fund in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by any enactment) investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council.

(2) Any reserve fund which has been provided in respect of any undertaking of the Council and which is in existence on the first day of April one thousand nine hundred and forty-eight shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

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

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking; or
- (c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

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

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

PART VIII.
—cont.

105. The two last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and forty-eight.

Date of
operation of
certain
sections.

106. If a justice is satisfied on complaint by any officer of the Council duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate or water rate or charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the Council and to detain them until the complaint is determined upon the return of the summons.

Recovery of
rate &c. from
persons
removing.

107.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate or water rate charged on such hereditament the owner shall be liable to pay to the Council so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Council from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of
rates from
certain owners.

The remedy of the Council under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditament to which subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 applies by virtue of a resolution of the Council.

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

As to recovery
of rates from
tenants and
lodgers.

PART VIII.

—cont.

As to recovery summarily of sums due for fittings.

109. If the Council commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the Council in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not in the aggregate exceed twenty pounds.

Subscriptions to local government associations and other expenses.

110. The Council may pay out of the general rate fund and general rate—

- (a) any reasonable expenses of the attendance of any officers of the Council at conferences or meetings of any association of officers of local authorities formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and the cost of purchasing reports and contributing towards the expense of the proceedings of any such conferences and meetings and the cost of contributing towards the expenses of the proceedings of any conferences or meetings of any association of local authorities formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government;
- (b) the reasonable expenses of the Council in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.

As to payments due to deceased employees.

111.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner) of the Council to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due from the Council on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation or other fund with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Council within such time (not being less than one month after his death) as the Council may in all the circumstances think reasonable then at the expiration of that time the Council may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of

Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in a due course of administration Provided that—

PART VIII.

—cont.

15 & 16 Geo. 5.

c. 23.

16 & 17 Geo. 5.

c. 60.

(a) the Council may if they think fit pay to any person who has paid the funeral expenses of the deceased employee such amount (not exceeding the total amount of such expenses) as the Council shall deem it reasonable to allow having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;

(b) if the Council receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not pay such sum or the balance thereof in their hands to any person other than to the legal personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

9 & 10 Geo. 6.

c. 67.

(2) The Council before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require either—

(a) a statutory declaration by the person or one of the persons to whom the Council may pay and propose to pay such sum or any part thereof in accordance with the provisions of subsection (1) of this section to the effect that the total net estate of the deceased employee (including such sum but after the deduction of debts and funeral expenses) does not exceed one hundred pounds; or

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

PART IX.

MISCELLANEOUS.

112.—(1) In this section the expression “the specified plots” means the plots of land described in Parts I and II of the Schedule to this Act. Power to sell certain lands.

(2) The Council shall have power to sell the specified plots in manner provided by the Law of Property Act 1925 as if the Council were a mortgagee under a mortgage made by deed and the specified plots were the mortgaged property under such deed and the events and conditions which under 15 & 16 Geo. 5.
c. 20.

PART IX.
—cont.

that Act would entitle such mortgagee forthwith to exercise the power of sale conferred by that Act with respect to such mortgaged property had occurred and been fulfilled and all provisions of that Act with respect to sale of mortgaged property by the mortgagee thereof shall so far as applicable and with any necessary modifications extend and apply to a sale by the Council of the specified plots in pursuance of this section:

Provided that—

(a) for the purposes of such application of section 105 (Application of proceeds of sale) of that Act the expression “the mortgage money interest and costs and other money if any due under the mortgage” shall be construed to mean—

(i) with respect to each of the specified plots mentioned in Part I of the said schedule the sum apportioned on that plot in the final apportionment made by the surveyor of the Blean Rural District Council (of whose rural district the specified plots at the date of such apportionment and until the first day of April one thousand nine hundred and thirty-four formed part and to whose rights in respect of the sums so apportioned the Council on the first day of April one thousand nine hundred and thirty-four succeeded) in pursuance of the provisions of the Act of 1892 in respect of certain private street works executed by the said Blean Rural District Council and completed in the road known as Virginia Road in the month of March one thousand nine hundred and thirty-one in the roads known as Meteor Avenue Sunray Avenue and Valkyrie Avenue in the month of November one thousand nine hundred and thirty-one in the roads known as Lismore Road and Clover Rise in the month of May one thousand nine hundred and thirty-two and in the road known as Swalecliffe Road in the month of August one thousand nine hundred and thirty-two; and

(ii) with respect to each of the specified plots mentioned in Part II of the said schedule the sum apportioned on that plot in the final apportionment made by the surveyor in pursuance of the provisions of the Act of 1892 in respect of certain private street works executed by the Council and completed in the road known as Athol Road in the month of January one thousand nine hundred and twenty-nine in the road known as Wynn

Road in the month of April one thousand nine hundred and thirty-one in the road known as Pier Avenue in the month of May one thousand nine hundred and thirty-one in the road known as Wheatley Road in the month of October one thousand nine hundred and thirty-two in the roads known as Station Road and Westmeads Road in the month of June one thousand nine hundred and thirty-three in the roads known as Bridgefield Road and St. Swithin's Road in the month of November one thousand nine hundred and thirty-six in the road known as Grimshill Road in the month of August one thousand nine hundred and thirty-seven in the road known as Maydowns Road in the month of September one thousand nine hundred and thirty-eight in the road known as Kemp Road in the month of May one thousand nine hundred and thirty-nine and in the road known as Newton Road in the month of July one thousand nine hundred and thirty-nine;

together in each of the above cases with interest on the said sums from the date of such final apportionment at the rate of five per centum per annum except in the case of the last six mentioned roads in respect of which the rate of interest is four per centum per annum;

- (b) the residue referred to in the said section 105 after payment and discharge of the items first and secondly in that section mentioned instead of being forthwith paid by the Council to the persons entitled to the specified plots respectively or authorised to give receipts for the proceeds of the sale thereof shall be paid into a deposit account at a bank in the name of the Council and accumulated in such account at interest pending receipt by the Council of any claim by any person lawfully entitled thereto; and
- (c) if no such claim shall be received by the Council within five years after the date of the sale and verified to their satisfaction in respect of the whole or any part of the amount accumulated in such deposit account the Council after giving such public notice (if any) as the Minister may require shall apply the sum for which no claim shall be so received and verified to such purposes and in such manner as the Minister may permit or direct.

PART IX.
—*cont.*
Extension of
section 2 (3)
of Public
Health
(Interments)
Act 1879.
42 & 43 Vict.
c. 31.

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

(2) Any such sum unless applied in any other manner duly authorised shall be invested in statutory securities and the interest thereon applied in maintaining the grave or grave space or monument in such manner as the Council think fit.

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

As to
maintenance
of cemeteries
&c.

114.—(1) The Council may in connection with the maintenance of any cemetery provided by them under the Public Health Acts or any burial ground provided by them under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein.

(2) Before the Council exercise any of the powers of this section they shall publish once at least in each of two successive weeks in one or more newspapers circulating in the district notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice in writing to the Council of his objection and the grounds thereof within the date stated in the notice (which date shall not be earlier than ten days after the last publication of the notice) If any objection shall be so given to the Council and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.

Power to erect
weighbridges.

115.—(1) The Council may erect and maintain on any open space or public place on or adjoining any highway in the district such weighbridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Council may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing machines erected by the Council under the provisions of this section.

(4) The Council shall not—

(a) erect or allow the use of any such weighbridge weighing machine or office so as to obstruct the access to or exit from any station or depot of a railway undertaking;

(b) exercise the powers of this section so as to cause damage to or obstruct the access to any electric lines mains cables wires pipes hydrants meters and other works and apparatus belonging to the British Electricity Authority the South-Eastern Electricity Board the Whitstable Gas and Coke Company Limited or the East Kent Gas Company Limited.

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

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

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

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

117.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Public Health Act 1936: Noise nuisance.

Provided that no complaint shall be made to a justice under section 99 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

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

PART IX.
—cont.

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means within the meaning of the said Act of preventing or mitigating it have been adopted.

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

Prohibition
on touting
hawking &c.
on promenades
foreshore &c.

118.—(1) No person shall in or on any parade promenade public walk garden or open space or place of recreation or on the foreshore or beach (above or below high-water mark) within the district importune any person by touting for a hotel lodging-house refreshment-house shop boat garden theatre hackney carriage or any place of amusement or without the consent of the Council hawk sell or offer for sale any article or commodity :

Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Council may think fit.

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

(3) The provisions of this section shall not prevent the owner of any part of the seashore or any person with his consent exercising any rights which they could have exercised if this section had not been enacted.

(4) Nothing in this or the last preceding section shall affect the power of the county council to make byelaws under section 249 of the Local Government Act 1933.

Licensing of
boatmen of
pleasure boats.

119. Section 83 of the Act of 1902 shall have effect as if the following were substituted for subsection (3) of that section :—

“(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel unless such boat or vessel and the boatman in charge thereof and the navigator are so licensed or at any time during the suspension of the licence for the boat or vessel or boatman or navigator :

Provided that this subsection shall not be deemed to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for gain.”

120.—(1) The Council may advertise the facilities afforded by the district in any manner which the Council may think fit and for that purpose may—

PART IX.
—cont.

Power to
advertise
facilities
of district.

(a) combine with any other organisation company or person and with any local authority authorised in that behalf; and

(b) expend a sum which together with any sum expended by them under the Health Resorts and Watering Places Act 1936 shall not in any financial year exceed the amount prescribed by that Act as amended by section 137 of the Local Government Act 1948.

26 Geo. 5. &
1 Edw. 8. c. 48.

11 & 12 Geo. 6.
c. 26.

(2) Any expenditure under this section shall be separate from and additional to the expenditure (if any) of the Council under the Local Authorities (Publicity) Act 1931.

21 & 22 Geo. 5.
c. 17.

121.—(1) The Council for the purpose of securing the amenities of the district in relation to the use of camping grounds and moveable dwellings situate thereon may make byelaws with respect to any camping grounds within the district whether provided by the Council or not—

Byelaws as
to camping
grounds.

(a) for securing sanitary conditions in and the proper control and management of such camping grounds;

(b) for securing the cleanliness of such camping grounds and moveable dwellings situate thereon;

(c) for preventing the amenities of the district being prejudicially affected by the state or condition of any such camping ground;

(d) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the moveable dwellings situate thereon;

(e) for preventing annoyance to the residents in or visitors to the district by the conduct of occupiers of or persons frequenting moveable dwellings situate on any such camping ground.

(2) (a) A copy of any byelaws made by the Council under this section shall be appended to any licence granted by them under section 269 of the Public Health Act 1936.

(b) The Council in granting any licence under the said section 269 shall not attach any condition which is inconsistent with any byelaws made by them under this section.

(3) Byelaws made under the provisions of this section shall not apply to—

(a) any moveable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society or any local education authority;

PART IX.
—cont.

- (b) any moveable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;
- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp;
- (d) any moveable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph;
- (e) a moveable dwelling which is used by a member of any duly constituted society or organisation operating throughout Great Britain which by their rules undertake the responsibility for the good conduct of their members when in camp and for their proper use of moveable dwellings; or
- (f) to a moveable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business:

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any moveable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society body association organisation or authority by or to which such moveable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the moveable dwelling and for the proper management of the camping ground;
- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or moveable dwelling referred to in those paragraphs shall only apply so long as the society or body by

or to which such camping ground is provided or belongs or is used or by the members of which such moveable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon;

- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a moveable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of moveable dwellings;
- (iv) the exemption conferred by the foregoing paragraph (f) in respect of a moveable dwelling of any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct; and
- (v) if any society or body referred to in the said paragraph (a) are using any camping ground provided by the Council or if any person being a member of any such society or body or of any society or organisation referred to in paragraph (e) or a person referred to in the said paragraph (f) is occupying or using a moveable dwelling situate on any camping ground so provided the members of such society or body or such person shall while camping on or occupying or using any moveable dwelling situate on that camping ground comply with any byelaws made by the Council under this section respecting that camping ground.

122.—(1) The Council may erect and maintain on any street in the district at suitable stopping places on the routes of public service vehicles or on lands belonging to them shelters and other accommodation for intending passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles. Shelters &c.
for passengers.

(2) The Council shall not in pursuance of this section erect any shelter or other accommodation or rail—

- (i) so as to cause interference with or to render less convenient the access to or exit from any station or depot belonging to any railway undertakers; or
- (ii) in any street or road belonging to or repairable by any railway undertakers; or
- (iii) on any bridge carrying any street or road over any railway;

PART IX.
—cont.

except in each case with the previous consent of the railway undertakers concerned which consent shall not be unreasonably withheld; or

(iv) on any part of the highway without the consent of the highway authority which consent shall not be unreasonably withheld and may be given subject to such reasonable terms and conditions as such highway authority may think fit.

(3) Any question which may arise as to whether any consent required by subsection (2) of this section is unreasonably withheld or whether any such terms or conditions are unreasonable shall be referred to and determined by the Minister of Transport.

(4) The Council may make byelaws for the regulation use and management of any such shelter accommodation and rails.

(5) The Council may enter and carry into effect agreements with any person authorised to run public service vehicles within the district for and in relation to the erection maintenance and use of any such shelters and other accommodation and rails and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

As to prizes
for garden
competitions.

123. The Council may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds.

Collection of
water rate &c.

124. Any water rate or charge payable to the Council in respect of premises within the district may be collected together with the general rate.

Byelaws as to
pleasure fairs.

125.—(I) The Council may from time to time make byelaws—

(a) for regulating the hours during which pleasure fairs may be open to the public;

(b) for securing safe and adequate means of ingress to and egress from the ground upon which any pleasure fair is held;

(c) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and which consists of or includes any or all of the following whether or not in

combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoanut shy hoop-la shooting gallery or swings or anything similar to any of the foregoing:

PART IX.
—cont.

Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

(3) Before making any byelaws under this section the Council shall give to the Amusement Caterers' Association and the Association of Amusement Park Proprietors of Great Britain not less than one month's notice of the intention of the Council to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Council shall confer with the said associations thereon before they submit them to the Secretary of State for confirmation.

126.—(1) The Council may if they think fit grant a gratuity by way either of a lump sum or of periodical payments to the widow or dependants of any employee who may die in their service not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment:

Power to grant allowances or gratuities in certain cases.

Provided that this section shall not apply—

- (a) in the case of a widow to whom a pension is granted in pursuance of section 9 (Allocation of part of superannuation benefits to wife or husband) of the Local Government Superannuation Act 1937; or
- (b) in the case of a widow or dependant entitled in consequence of the death of such employee to compensation under the Workmen's Compensation Act 1925 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

1 Edw. 8. &
1 Geo. 6. c. 68.

15 & 16 Geo. 5.
c. 84.

9 & 10 Geo. 6.
c. 62.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such employee would have been charged or been paid if he had continued in his employment.

PART X.

GENERAL.

127. Section 298 of the Public Health Act 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under the sections of this Act of which the respective marginal notes are "Power to make regulations as to traffic on carnival &c. days" and "Byelaws as to pleasure fairs."

Restriction on right to prosecute.

PART X.
—cont.
As to appeals.

128.—(1) Any person aggrieved by any requirement refusal or other decision of the Council or of any officer thereof under Part II (Streets and buildings) Part III (Sewers drains &c.) (other than a requirement under the section of this Act whereof the marginal note is "As to defective drains &c.") Part IV (Infectious disease and sanitary provisions) or Part V (Human food) of this Act or the section of this Act whereof the marginal note is "Prohibition on touting hawking &c. on promenades foreshore &c." may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Council with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(b) the Council shall not execute such work or take such action; and

(c) subject to the proviso to subsection (2) of the section of this Act whereof the marginal note is "Restriction on erection of stands &c." any such person may carry on such business and use such premises for such purpose;

PART X.
—cont.

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Council effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

129. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be— Byelaws.

(a) in the case of byelaws made under the sections of this Act of which the marginal notes are "Boating pools" "Establishment of golf courses" "Byelaws as to boats" "Shelters &c. for passengers" and "Byelaws as to pleasure fairs" the Secretary of State;

(b) in all other cases the Minister.

130. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the district directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Public Health Act 1936. Compensation how to be determined.

131. Whenever the Council the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the In executing works for owner Council liable for negligence only.

Ch. 1. *Whitstable Urban District Council* II & 12 GEO. 6.
Act, 1948.

PART X.
—*cont.*

Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Apportionment of expenses in case of joint owners.

132. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages and charges to be settled by court.

133. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Breach of conditions of consent of Council.

134. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Application of section 265 of Public Health Act 1875.

135. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local Act or Order for the time being in force applying to the Council as if the same were re-enacted therein.

Inquiries.

136. The Minister and the Minister of Transport may hold such inquiries as they consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply accordingly.

Application of provisions of Public Health Act 1936.

137.—(1) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say) :—

- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);

- Section 286 (Proof of resolutions &c.);
- Section 293 (Recovery of expenses &c.);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative).

(2) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable to Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) and Part V (Human food) of this Act (that is to say):—

- Section 277 (Power of councils to require information as to ownership of premises);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);
- Section 292 (Power to make a charge in respect of establishment expenses);
- Section 295 (Power of local authority to grant charging orders);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925).

138.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Council of which date public notice shall be given by the Council by advertisement in one or more local newspapers circulating in the district. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement. Provided that if the provision is one which requires the registration of any person or premises the application for the registration may be made and determined before the provision comes into operation.

Commence-
ment of
certain
provisions of
this Act.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

PART X.
—cont.

(3) This section shall apply to the sections of this Act of which the marginal notes are—

“ Parents &c. to notify certain diseases ”;

“ Restrictions on attendance at schools and places of assembly ”;

“ Registration of hawkers of food.”

(4) As respects any of the said provisions which requires the registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision comes into operation—

(a) is carrying on any such business or using any premises for any such purpose; and

(b) has made application in accordance with the provisions of this Act for such registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of the section of this Act of which the marginal note is “ As to appeals.”

Application of
Arbitration
Acts 1889
to 1934.

139. Where under this Act any question difference or dispute is to be referred to an arbitrator or to arbitration other than questions differences or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question difference or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

For protection
of county
council.

140. Unless otherwise agreed in writing between the Council and the county council and subject to such conditions as the county council may determine nothing in the sections of this Act of which the marginal notes are—

“ Adjustment of boundaries of streets ”;

“ Crossings for horses or vehicles over footways ”;

“ As to barriers in streets ”;

“ Power to lay out grass margins &c. in streets ”;

“ Power to vary width of carriageways and footways ”;

“ Temporary stoppage of streets ”;

“ As to erection of hoardings &c. at street corners ”;

“ Rounding of corners at street junctions ”;

“ Power to erect weighbridges ”;

shall apply to any county road in respect of which the functions of maintenance and repair are for the time being vested in or exerciseable by the county council.

PART X.
—cont.

141: For the protection of the Whitstable Gas and Coke Company Limited the East Kent Gas Company Limited the British Electricity Authority and the South-Eastern Electricity Board (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Council and the undertakers apply and have effect:—

For protection
of statutory
undertakers.

(1) In this section "apparatus" means mains cables wires pipes syphons hydrants meters and other works and apparatus belonging to the undertakers and "position" includes depth:

(2) If it shall be agreed between the Council and the undertakers or (in case of difference) determined by arbitration that in consequence of—

(a) the giving up under the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" of land forming part of a street;

(b) the construction under the powers of the section of this Act of which the marginal note is "Crossings for horses or vehicles over footways" of a carriage-crossing across the footway of any street or the allowance under the powers of that section of the use as a crossing for any horse or horse-drawn or mechanically propelled vehicle of the footway of any street;

(c) the stopping up or diversion under an order made pursuant to the section of this Act of which the marginal note is "Stopping up and diversion of highways" of any highway or any length of a highway; or

(d) the addition to the carriageway of a street under the powers of the sections of this Act of which the marginal notes are "Power to lay out grass margins &c. in streets" "Power to vary width of carriageways and footways" and "Rounding of corners at street junctions" of any portion of a footway or (in the case of apparatus erected laid or placed on or above the surface of the ground) the addition to the footway of a street under those powers of any portion of a carriageway;

in under upon or over which any apparatus is situate it is reasonably necessary that any apparatus should

be removed or diverted or that the position of any apparatus should be altered or that works (hereinafter referred to as "protective works") for the protection of any apparatus should be executed the undertakers may and (if so required by the Council) shall remove or divert or alter the position of or execute protective works in respect of the apparatus according as and in such manner as may be agreed or determined by arbitration and the Council shall repay to the undertakers the amount of the costs and expenses reasonably incurred by the undertakers in or in connection with such removal diversion or alteration or the execution of such protective works (which costs and expenses are hereinafter referred to as "the said expenses"):

Provided that if in carrying out any such diversion or alteration of position or the execution of protective works—

(A) (i) the undertakers erect lay or place new apparatus in substitution for their existing apparatus; and

(ii) the existing apparatus was erected laid or placed before the commencement of the period of seven years and six months immediately preceding the diversion or alteration of position of the apparatus or the execution of such protective works; or

(B) the said expenses are enhanced by—

(i) the substitution for the existing apparatus of apparatus of greater dimensions (other than length) or of greater capacity or apparatus of improved type; or

(ii) the laying or placing of apparatus at a depth greater than that of the existing apparatus except where and to the extent to which such greater depth is reasonably necessary in order to avoid interference with other underground apparatus works or structures;

the undertakers shall themselves bear (in the case referred to in paragraph (A) of this proviso) such proportion of the said expenses as represents the estimated saving of expense to the undertakers resulting from the consequent deferment of the date at which the existing apparatus would have required to be renewed and (in the case referred to in paragraph (B) of this proviso) such proportion of the said expenses as represents the amount by which such

expenses exceed the cost which would have been incurred if the dimensions (other than length) or the capacity of the apparatus so laid or placed had been the same as those of the original apparatus or if the apparatus had been laid or placed at the same depth as the existing apparatus:

PART X.
—cont.

Provided also that where the apparatus had been laid or placed in under upon or over the part of the highway street or footway affected within the period of two years immediately preceding the giving of the relevant notice required by subsection (4) of this section and at the time of the laying or placing of that apparatus the Council had given to the undertakers notice in writing of their intention of exercising the powers necessitating the removal or diversion or alteration of position of the apparatus or the execution of protective works with a statement of the manner in which and the extent to which they intended to exercise such powers no part of the said expenses shall be repayable by the Council if the said powers are exercised by the Council in accordance with the statement so given or with such variation only of the particulars contained in that statement as not prejudicially to affect the undertakers:

- (3) Notwithstanding the giving up under the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" of land forming part of a street or the stopping up or diversion under an order made pursuant to the section of this Act of which the marginal note is "Stopping up and diversion of highways" of any highway or any length of a highway in under upon or over which highway or length of a highway any apparatus is situate the undertakers shall (unless the apparatus is removed or diverted under the provisions of subsection (2) of this section or unless new apparatus has been laid in substitution therefor) continue to have the same powers and rights in respect of such apparatus as if the land in under upon or over which the same is situate had continued to be part of the street or highway:
- (4) The Council shall give to the undertakers not less than twenty-eight days' notice in writing of their intention to exercise any of the powers referred to in subsection (2) of this section with respect to any portion of a highway street or footway in under upon or over which any apparatus is situate and such notice shall be accompanied by a plan and

(in the case of the addition of part of the footway to the carriageway) a section showing the nature and extent of the proposals in so far as they relate to any such portion of a highway street or footway as aforesaid:

- (5) If within twenty-eight days after the receipt from the Council of any notice under subsection (4) of this section of their intention to exercise any such powers as are referred to in that subsection the undertakers give to the Council notice in writing of their intention (otherwise than by the requirement of the Council) to remove or divert or alter the position of or to execute protective works in respect of any apparatus affected by the exercise of such powers and at the same time deliver to the Council a plan section and particulars of any such diversion or alteration of position or particulars of any such protective works (as the case may be) the Council shall not exercise the powers referred to in the notice given by them as aforesaid until—

(a) it shall have been agreed between the Council and the undertakers or settled by arbitration whether such intended removal diversion or alteration of position of apparatus or the execution of such intended protective works is reasonably necessary; and

(b) the plans sections and particulars of any diversion or alteration of position to be carried out or the particulars of any protective works to be executed have been so agreed or settled:

Provided that if the proposals contained in any notice given to the Council by the undertakers under this subsection and any plans sections or particulars delivered to the Council with such notice are not disapproved by the Council within twenty-eight days after the receipt thereof the said proposals shall be deemed for the purposes of this section to be reasonably necessary and the Council shall be deemed to have approved such plans sections or particulars:

- (6) Forthwith after the completion of any such removal or diversion or alteration of position of apparatus or of any such protective works the undertakers shall if reasonably required by the Council fill in the excavation and make good the surface of the ground to the reasonable satisfaction of the Council:
- (7) Notwithstanding the stopping up temporarily of any street under the powers of the section of this Act

whereof the marginal note is "Temporary stoppage of streets" the undertakers their officers servants and workmen shall at all times have such rights of access to all or any apparatus situate in over or under such street as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon over or under such street as may be necessary for inspecting repairing renewing or removing such apparatus or of laying or placing new apparatus:

PART X.
—cont.

- (8) Any difference or dispute which may arise between the Council and the undertakers under this section shall be referred to arbitration.

142. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

143. The following provisions of the Act of 1902 and the Whitstable Order 1924 are hereby repealed:— Repeal.

The Act of 1902—

Part III. Gas Sections 40 to 59 inclusive;

Section 109 (No buildings allowed until street formed);

Section 110 (Intersecting streets);

Section 138 (Regulations as to sinking fund);

Section 139 (Return respecting sinking fund to Local Government Board);

Section 140 (Power to reborrow);

Section 147 (Application of gas revenue);

Section 148 (As to deficiency in receipts);

Section 149 (Separate accounts to be kept as to water);

Section 160 (Power to retain sell &c. lands);

Section 161 (Proceeds of sale of surplus lands);

Section 162 (Power to grant gratuities to officers and servants);

Section 164 (In executing works for owner Council not liable for damage);

First Schedule Gas lands:

Whitstable Order 1924—

Article 3 (Accounts revenue and expenses of water undertaking).

144. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council 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 Crown rights.

PART X.
—cont.

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 Crown Lands or of the Minister of Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

145. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

DESCRIPTION OF SPECIFIED PLOTS.

PART I.

Four pieces or parcels of land all situate on the northern side of Virginia Road each containing an area of 311 square yards or thereabouts having a frontage of 20 feet and a depth of 140 feet and numbered respectively 407 408 411 and 412 on the plan of the Rayham Hill estate.

Two pieces or parcels of land both situate on the southern side of Virginia Road each containing an area of 400 square yards or thereabouts having a frontage of 20 feet and a depth of 180 feet and numbered respectively 441 and 442 on the plan of the Rayham Hill estate.

A piece or parcel of land situate on the southern side of Virginia Road containing an area of 520 square yards or thereabouts having a frontage of 26 feet and a depth of 180 feet and numbered 449 on the plan of the Rayham Hill estate.

Two pieces or parcels of land both situate on the southern side of Virginia Road each containing an area of 400 square yards or thereabouts having a frontage of 20 feet and a depth of 180 feet and numbered respectively 456 and 457 on the plan of the Rayham Hill estate.

Five pieces or parcels of land all situate on the eastern side of Meteor Avenue each containing an area of 127 square yards or thereabouts having a frontage of 20 feet and a depth of 57 feet and being plots numbered respectively 352-356 (inclusive) on the plan of the Bolinbroke estate.

A piece or parcel of land situate on the eastern side of Meteor Avenue containing an area of 14 square yards or thereabouts having a frontage of 2 feet 3 inches and a depth of 57 feet and being part of plot numbered 357 on the plan of the Bolinbroke estate.

Six pieces or parcels of land all situate on the southern side of Sunray Avenue each containing an area of 289 square yards or thereabouts having a frontage of 20 feet and a depth of 130 feet and numbered respectively 490-492 (inclusive) and 498-500 (inclusive) on the plan of the Bolinbroke estate.

A piece or parcel of land situate on the southern side of Sunray Avenue containing an area of 260 square yards or thereabouts having a frontage of 18 feet and a depth of 130 feet and numbered 501 on the plan of the Bolinbroke estate.

A piece or parcel of land situate on the eastern side of Valkyrie Avenue containing an area of 267 square yards or thereabouts having a frontage of 20 feet and a depth of 120 feet and numbered 417 on the plan of the Bolinbroke estate.

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Eight pieces or parcels of land all situate on the western side of Valkyrie Avenue each containing an area of 267 square yards or thereabouts having a frontage of 20 feet and a depth of 120 feet and numbered respectively 373-376 (inclusive) and 381-384 (inclusive) on the plan of the Bolinbroke estate.

A piece or parcel of land situate on the western side of Valkyrie Avenue containing an area of 347 square yards or thereabouts having a frontage of 26 feet and a depth of 120 feet and numbered 385 on the plan of the Bolinbroke estate.

A piece or parcel of land situate on the eastern side of Lismore Road containing an area of 77 square yards or thereabouts having a frontage of 6 feet and a depth of 115 feet and being part of plot numbered 166 on the plan of the Rayham Hill estate.

Three pieces or parcels of land all situate on the eastern side of Lismore Road each containing an area of 230 square yards or thereabouts having a frontage of 18 feet and a depth of 115 feet and numbered respectively 167-169 (inclusive) on the plan of the Rayham Hill estate.

A piece or parcel of land situate on the eastern side of Lismore Road containing an area of 284 square yards or thereabouts having a frontage of 44 feet 6 inches and a depth of 115 feet and numbered 170 on the plan of the Rayham Hill estate.

A piece or parcel of land situate on the eastern side of Lismore Road containing an area of 297 square yards or thereabouts having a frontage of 46 feet 6 inches and a depth of 115 feet and numbered 171 on the plan of the Rayham Hill estate.

A piece or parcel of land situate on the western side of Lismore Road containing an area of 180 square yards or thereabouts having a frontage of 18 feet and a depth of 90 feet and numbered 139 on the plan of the Rayham Hill estate.

A piece or parcel of land situate on the western side of Lismore Road containing an area of 278 square yards or thereabouts having a frontage of 42 feet 7 inches and a depth of 80 feet and numbered 149 on the plan of the Rayham Hill estate.

A piece or parcel of land situate on the western side of Lismore Road containing an area of 164 square yards or thereabouts having a frontage of 37 feet and a depth of 80 feet and numbered 148 on the plan of the Rayham Hill estate.

A piece or parcel of land situate on the western side of Lismore Road containing an area of 367 square yards or thereabouts having a frontage of 55 feet and a depth of 120 feet and numbered 147 on the plan of the Rayham Hill estate.

Fourteen pieces or parcels of land all situate on the eastern side of Clover Rise each containing an area of 213 square yards or thereabouts having a frontage of 16 feet and a depth of 120 feet and numbered respectively 121 122 129-132 (inclusive) 135 to 137 (inclusive) and 144-148 (inclusive) on the plan of the South Tankerton estate.

A piece or parcel of land situate on the eastern side of Clover Rise containing an area of 413 square yards or thereabouts having a

frontage of 62 feet and a depth of 120 feet and numbered 149 on the plan of the South Tankerton estate.

Fourteen pieces or parcels of land all situate on the western side of Clover Rise each containing an area of 213 square yards or thereabouts having a frontage of 16 feet and a depth of 120 feet and numbered respectively 225 to 227 (inclusive) 230 to 234 (inclusive) 236 237 and 240 to 243 (inclusive) on the plan of the South Tankerton estate.

A piece or parcel of land situate on the western side of Clover Rise containing an area of 753 square yards or thereabouts having a frontage of 43 feet and a depth of 120 feet and numbered 251 on the plan of the South Tankerton estate.

Seven pieces or parcels of land all situate on the western side of Clover Rise each containing an area of 213 square yards or thereabouts having a frontage of 16 feet and a depth of 120 feet and numbered respectively 252-258 (inclusive) on the plan of the South Tankerton estate.

A piece or parcel of land situate on the western side of Clover Rise containing an area of 235 square yards or thereabouts having a frontage of 39 feet and a depth of 90 feet and numbered 259 on the plan of the South Tankerton estate.

A piece or parcel of land situate on the western side of Clover Rise containing an area of 620 square yards or thereabouts having a frontage of 78 feet and a depth of 120 feet and numbered 260 on the plan of the South Tankerton estate.

A piece or parcel of land situate on the western side of Clover Rise containing an area of 944 square yards or thereabouts having a frontage of 88 feet and a depth of 165 feet and numbered 261 on the plan of the South Tankerton estate.

Six pieces or parcels of land all situate on the northern side of Swalecliffe Road each containing an area of 280 square yards or thereabouts having a frontage of 21 feet and a depth of 120 feet and numbered respectively 2482 to 2486 (inclusive) and 2494 on the plan of the Tankerton estate.

A piece or parcel of land situate on the northern side of Swalecliffe Road containing an area of 757 square yards or thereabouts having a frontage of 113 feet 6 inches and a depth of 120 feet and numbered 2481 on the plan of the Tankerton estate.

A piece or parcel of land situate on the northern side of Swalecliffe Road containing an area of 80 square yards or thereabouts having a frontage of 6 feet and a depth of 120 feet and being part of plot numbered 2495 on the plan of the Tankerton estate.

PART II.

A piece or parcel of land situate on the northern side of Athol Road containing an area of 335 square yards or thereabouts having a frontage of 27 feet 5 inches and a depth of 110 feet and numbered 234 on the plan of the Tankerton estate.

Two pieces or parcels of land both situate on the western side of Wynn Road each containing an area of 240 square yards or there-

abouts having a frontage of 18 feet and a depth of 120 feet and numbered respectively 1881 and 1882 on the plan of the Tankerton estate.

A piece or parcel of land situate on the western side of Pier Avenue containing an area of 266 square yards or thereabouts having a frontage of 20 feet and a depth of 120 feet and numbered 1855 on the plan of the Tankerton estate.

Two pieces or parcels of land both situate on the northern side of Wheatley Road each containing an area of 213 square yards or thereabouts having a frontage of 16 feet and a depth of 120 feet and numbered respectively 3524 and 3525 on the plan of the Westmeads Tankerton estate.

Four pieces or parcels of land all situate on the eastern side of Station Road each containing an area of 192 square yards or thereabouts having a frontage of 16 feet and a depth of 108 feet and numbered respectively 3544-3547 (inclusive) on the plan of the Westmeads Tankerton estate.

A piece or parcel of land situate on the western side of Station Road containing an area of 380 square yards or thereabouts having a frontage of 32 feet and a depth of 107 feet and numbered 3168 on the plan of the Westmeads Tankerton estate.

A piece or parcel of land situate on the western side of Station Road containing an area of 819 square yards or thereabouts having a frontage of 111 feet 8 inches and a depth of 66 feet and being part of plot numbered 3034 on the plan of the Westmeads Tankerton estate.

A piece or parcel of land situate on the western side of Westmeads Road containing an area of 577 square yards or thereabouts having a frontage of 73 feet and a depth of 105 feet and being part of plot numbered 3352 on the plan of the Westmeads Tankerton estate.

A piece or parcel of land situate on the northern side of Bridgefield Road containing an area of 367 square yards or thereabouts having a frontage of 27 feet 6 inches and a depth of 120 feet and numbered 2255 on the plan of the Tankerton estate.

Two pieces or parcels of land both situate on the northern side of Bridgefield Road each containing an area of 320 square yards or thereabouts having a frontage of 24 feet and a depth of 120 feet and numbered respectively 2257 and 2258 on the plan of the Tankerton estate.

A piece or parcel of land situate on the southern side of Bridgefield Road containing an area of 784 square yards or thereabouts having a frontage of 48 feet and a depth of 147 feet and numbered 4079 on the plan of the Tankerton estate.

A piece or parcel of land situate on the southern side of Bridgefield Road containing an area of 408 square yards or thereabouts having a frontage of 25 feet and a depth of 147 feet and numbered 4080 on the plan of the Tankerton estate.

A piece or parcel of land situate on the southern side of Bridgefield Road containing an area of 412 square yards or thereabouts having a frontage of 123 feet 6 inches and a depth of 30 feet and numbered 2817 on the plan of the Tankerton estate.

Three pieces or parcels of land all situate on the western side of St. Swithin's Road each containing an area of 384 square yards or thereabouts having a frontage of 24 feet and a depth of 144 feet and numbered respectively 2120-2122 (inclusive) on the plan of the Tankerton estate.

A piece or parcel of land situate on the western side of St. Swithin's Road containing an area of 340 square yards or thereabouts having a frontage of 25 feet 6 inches and a depth of 120 feet and numbered 2146 on the plan of the Tankerton estate.

Two pieces or parcels of land both situate on the western side of St. Swithin's Road each containing an area of 406 square yards having a frontage of 27 feet 6 inches and a depth of 133 feet and numbered respectively 2155 and 2156 on the plan of the Tankerton estate.

Two pieces or parcels of land both situate on the western side of St. Swithin's Road each containing an area of 352 square yards or thereabouts having a frontage of 24 feet and a depth of 132 feet and numbered respectively 2162 and 2163 on the plan of the Tankerton estate.

Three pieces or parcels of land all situate on the western side of Grimshill Road each containing an area of 260 square yards or thereabouts having a frontage of 20 feet 4 inches and a depth of 115 feet and numbered respectively 63-65 (inclusive) on the plan of the Grimshill and Duncan Down estate.

Five pieces or parcels of land all situate on the eastern side of Kemp Road each containing an area of 250 square yards or thereabouts having a frontage of 18 feet and a depth of 125 feet and numbered respectively 2666-2670 (inclusive) on the plan of the Tankerton estate.

Five pieces or parcels of land all situate on the western side of Newton Road each containing an area of 227 square yards or thereabouts having a frontage of 17 feet and a depth of 120 feet and numbered respectively 2315 2316 2344-2346 (inclusive) on the plan of the Tankerton estate.

A piece or parcel of land situate on the western side of Newton Road containing an area of 293 square yards or thereabouts having a frontage of 22 feet and a depth of 120 feet and numbered 2391 on the plan of the Tankerton estate.

Six pieces or parcels of land all situate on the eastern side of Newton Road each containing an area of 227 square yards or thereabouts having a frontage of 17 feet and a depth of 120 feet and numbered respectively 2464-2466 (inclusive) and 2471-2473 (inclusive) on the plan of the Tankerton estate.

Two pieces or parcels of land both situate on the northern side of Maydowns Road each containing an area of 333 square yards or thereabouts having a frontage of 20 feet and a depth of 150 feet and numbered 64 and 65 on the plan signed in triplicate by Hubert Beaumont the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which plan has been deposited in the Office of the Clerk of the Parliaments House of Lords another copy in the Committee and Private Bill

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Office of the House of Commons and another copy in the office of the clerk and which plan is hereinafter referred to as "the deposited plan."

Two pieces or parcels of land both situate on the northern side of Maydowns Road each containing an area of 449 square yards or thereabouts having a frontage of 20 feet 2 inches and a depth of 200 feet and numbered respectively 142 and 143 on the deposited plan.

A piece or parcel of land situate on the northern side of Maydowns Road containing an area of 368 square yards or thereabouts having a frontage of 13 feet 3 inches and a depth of 250 feet and numbered 297 on the deposited plan.

Two pieces or parcels of land both situate on the northern side of Maydowns Road each containing an area of 555 square yards or thereabouts having a frontage of 20 feet and a depth of 250 feet and numbered respectively 298 and 299 on the deposited plan.

Five pieces or parcels of land all situate on the northern side of Maydowns Road each containing an area of 560 square yards or thereabouts having a frontage of 20 feet 2 inches and a depth of 250 feet and numbered respectively 168-172 (inclusive) on the deposited plan.

Two pieces or parcels of land both situate on the southern side of Maydowns Road each containing an area of 450 square yards or thereabouts having a frontage of 20 feet 3 inches and a depth of 200 feet and numbered respectively 256 and 257 on the deposited plan.

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