



CHAPTER li.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Beverley in regard to lands and to make further provision for the health local government and improvement of the borough and for other purposes. [30 July 1948.]

WHEREAS the borough of Beverley in the administrative county of the east riding of Yorkshire is a municipal borough under the government and local management of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas it is expedient to make further provision in relation to lands and the health local government and improvement of the borough and that the provisions contained in this Act be enacted:

And whereas the objects 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 Part XIII of the Local Government Act 1933 have been observed by the Corporation: 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 (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Beverley Corporation Short title. Act 1948.

PART I.

—cont.

Division of
Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Streets buildings sewers and drains.
- Part IV.—Infectious disease and sanitary matters.
- Part V.—Food.
- Part VI.—Finance and rating.
- Part VII.—Miscellaneous.
- Part VIII.—General.

Incorporation
of Lands
Clauses Acts.
8 & 9 Vict.
c. 18.

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 such Acts are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act.

Interpretation.
26 Geo. 5. &
1 Edw. 8.
c. 49.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

- (i) “ The borough ” means the borough of Beverley;
- (ii) “ The Corporation ” means the mayor aldermen and burgesses of the borough of Beverley;
- (iii) “ The council ” means the council of the borough;
- (iv) “ The town clerk ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the surveyor the medical officer of health and any sanitary inspector of the borough;
- (v) “ The county ” means the administrative county of the east riding of Yorkshire;
- (vi) “ The county council ” means the county council of the county;
- (vii) “ The Kingston upon Hull Corporation ” means the lord mayor aldermen and citizens of the city and county of Kingston upon Hull;

- (viii) "Industrial building" has the same meaning as in the Distribution of Industry Act 1945; PART I.
—cont.
8 & 9 Geo. 6.
c. 36.
- (ix) "Contravention" includes failure to comply and "contravene" shall be construed accordingly;
- (x) "Daily penalty" means a penalty for each day on which an offence is continued after conviction therefor;
- (xi) "Electric line" has the same meaning as in the Electric Lighting Act 1882; 45 & 46 Vict.
c. 56.
- (xii) "Telegraphic line" has the same meaning as in the Telegraph Act 1878; 41 & 42 Vict.
c. 76.
- (xiii) "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;
- (xiv) "Child" has the same meaning as in the Education Act 1944; 7 & 8 Geo. 6.
c. 31.
- (xv) "Food" has the meaning assigned to it by the Food and Drugs Act 1938; 1 & 2 Geo. 6.
c. 56.
- (xvi) "The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;
- (xvii) "Statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- (xviii) "Statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock or other security created by a 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 Corporation; 38 & 39 Vict.
c. 83.
- (xix) "Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

PART I.
—cont.

- (xx) "Financial year" means the period of twelve months ending on the thirty-first day of March;
- (xxi) "The Minister" means the Minister of Health;
- (xxii) "The commission" means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;
- (xxiii) "Local planning authority" has the same meaning as in the Town and Country Planning Act 1947;
- (xxiv) "The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 and by this Act;
- (xxv) "The Act of 1892" means the Private Street Works Act 1892;
- (xxvi) "The Act of 1933" means the Local Government Act 1933;
- (xxvii) "The Act of 1936" means the Public Health Act 1936;
- (xxviii) "The Public Health Acts" means the Public Health Act 1875 and any Acts amending or extending that Act;
- (xxix) "Enactment" includes this Act and any general or local Act Order byelaw or regulation for the time being in force within the borough.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II.

LANDS.

5. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any enactment with respect to the reinstatement of any such

Power to
reinstate
owners of
property.

owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

PART II.
—cont.

6.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation 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 borough.

Further powers for acquisition of lands.

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

7. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation 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.

Purchase of lands for exchange.

8.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain 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 any enactment (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:

Retention and disposal of lands.

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

Provided that—

(a) The Corporation 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

PART II.
—cont.

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; and

- (b) 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 Corporation other than lands acquired under any local Act applying to the Corporation 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 Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds of
sale of surplus
lands.

9.—(1) The Corporation may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act or any other Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or 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 Corporation 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.

Reservation of
easements &c.

10. The Corporation on selling any lands may reserve to themselves all or any part of the 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.

11.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or leased by the Corporation for the purpose of enabling or assisting him to erect houses shops offices industrial buildings warehouses or other buildings on such lands or to adapt alter extend or improve any existing buildings thereon:

Power to Corporation to advance moneys for erection &c. of buildings.

Provided that any advance shall not exceed in the case of a house nine-tenths or in the case of any other buildings three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended buildings as erected adapted altered extended or improved thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 (Amendments of Small Dwellings Acquisition Acts) of the Housing Act 1935 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

25 & 26 Geo. 5.
c. 40.

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

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

PART II.
—cont.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection adaptation alteration extension or improvement of which the advance is made and of the land upon which such building is to be erected or upon which any such building is to be adapted altered extended or improved or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipts for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

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

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

Provided that the Corporation shall not without the consent of the Board of Trade grant their permission to a transfer of interest in an industrial building under this subsection if such transfer will involve an alteration in the nature of the articles produced at such industrial building but the transferee shall not be concerned to inquire whether the consent of the Board of Trade is necessary or has been obtained.

(8) No advance shall be made under subsection (1) of this section in respect of industrial buildings without the consent of the Board of Trade.

(9) In this section the term "lessee" includes a person to whom the Corporation have agreed to grant a lease and "leased" shall be construed accordingly.

12.—(1) The Corporation may with the consent of the Minister purchase or take on lease dwelling-houses and other buildings for persons employed by them and may erect fit

Dwelling-
houses for
employees.

up maintain and let any such buildings upon any lands for the time being belonging to them and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation.

PART II.
—cont.

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

PART III.

STREETS BUILDINGS SEWERS AND DRAINS.

13.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation 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.

No building allowed until street defined.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

14.—(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 Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation 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:

No buildings to be erected until street formed.

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection 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 (Power to compel paving &c. of private streets)

PART. III.
—cont.

of the Public Health Act 1875 or under the Act of 1892 or under the local Acts for the time being in force within the borough.

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

Means of
access to
buildings.

¹¹¹15.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a dwelling-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 Corporation may by notice require the provision either before the building is erected or before it is sold let or occupied (as the Corporation 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.

(2) If it appears to the Corporation to be necessary that the means of communication to be provided under this section shall be in the form of a street the Corporation 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 Corporation to any person such person shall not begin to erect or proceed with the erection of any building to which the notice relates or sell let or occupy such building (as the notice shall specify) until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

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

As to
termination
of new streets.

16.—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough 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 each end of the new street:

PART III:
—cont.

Provided that when such opening is required to secure means of communication between two streets 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) Any person who contravenes an order made by the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

17. The Corporation 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.

Byelaws as to alteration of streets.

18.—(1) Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read and have effect as if subsection (2) of the said section were omitted therefrom.

Amendment of section 17 of Public Health Acts Amendment Act 1907. 7 Edw. 7. c. 53.

(2) The powers conferred upon the Corporation by the said section 17 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions 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 either be splayed or rounded off in a manner determined by the Corporation:

Provided that except with the consent of the county council this subsection shall not apply to any county road or any junction formed with a county road.

19.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice 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. 15 & 16 Geo. 5. c. 71.

PART III.
—cont.

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

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to 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 Acquisition of Land (Assessment of Compensation) Act 1919 and the Town and Country Planning Act 1947 and those provisions shall have effect as if the notice given under subsection (1) of this section were a notice to treat 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 contravenes a requirement under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Adjustment of
boundaries of
streets.

20.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street (not being a trunk road) for the adjustment of the boundary of any such street and for that purpose may give land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section:

Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and section 116 (As to appeals) of this Act shall apply to any such appeal as if the proposals were a decision of the Corporation.

(2) Notwithstanding any agreement entered into under this section the Postmaster-General and the Kingston upon Hull Corporation shall respectively continue to have the same powers and rights in respect of any telegraphic line belonging to or used or maintainable by him or the Kingston upon Hull Corporation 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 Corporation or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were "undertakers" within the meaning of the said Act.

(3) 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 Corporation in any case in which such consent would have been required if this Act had not been passed.

(4) The Corporation shall not except with the consent of the county council exercise in relation to a county road the powers conferred by this section.

21.—(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 Corporation for approval the Corporation may with the consent of the local planning authority require that provision shall be made—

Adjustment of boundaries of estates.

- (a) for adjusting or altering the boundaries of any such estate or lands or lands adjacent or near thereto; and
- (b) 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.

(2) The provision to be made under this section and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister.

PART III.
—cont.

(3) For securing the execution of any such purposes the Corporation may 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.

(4) 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.

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

(6) 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.

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

Power to vary
width of
carriageways
and footways.

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

Provided that twenty-one days before commencing any work under this section which will materially reduce the

width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

(2) The Corporation shall not exercise the powers of this section in relation to any—

(a) county road without the consent of the county council; or

(b) trunk road without the consent of the Minister of Transport.

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

23.—(1) In connection with the purposes mentioned in section 154 (Power to purchase premises for improvement of streets) of the Public Health Act 1875 and section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 the Corporation 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.

Provided that the powers of this subsection shall not be exercised with reference to any trunk road without the consent of the Minister of Transport nor with reference to any county road without the consent of the county council.

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

(3) The Corporation 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 the commission.

24.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation made with the consent of the local planning authority for the district in which the highway is situate that a highway within the borough is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the borough 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 Corporation shall not make an application under this section in regard to a county road without

PART III.
—cont.

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 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 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 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 a 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 borough.

A notice which is required by this subsection to be served and which is sent by post shall be sent by registered post.

(4) On the hearing of such an application the Corporation 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 Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdic-

tion (Appeals) Act 1933 with respect to appeals to quarter sessions—

PART III.
—cont.

(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) (a) Nothing in this section shall authorise the diversion of any highway over any land 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.

(b) 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.

(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 said clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the said 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 the 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.

PART III.
—cont.

(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 Corporation and the owner of or other person interested in any land affected by the exercise of the powers of this section may enter into and fulfil agreements relative thereto and to the payment of any expenses incurred by the Corporation in or in consequence of the exercise of those powers.

(12) 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.

(13) The powers of this section shall not be exercisable with respect to any trunk road.

Restrictions
on rights of
breaking up
streets.

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

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to 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 Corporation 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 water or electricity as the case may be.

PART III,
—cont.

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.

26.—(1) When any street of which the functions of maintenance repair and improvement are undertaken by the Corporation whether by delegation from the county council or otherwise shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up:

Streets broken
up to be
reinstated.

Provided that if the Corporation give notice to such person before he commences to reinstate and make good such street the Corporation may themselves reinstate and make good the street so opened or broken up and may recover the cost reasonably incurred by them in so doing from such person.

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

27. If—

(a) any owner of land fronting adjoining or abutting on a street within the meaning of the Act of 1892 and situate in the borough 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; and

As to evasion
by owners of
private street
works
expenses.

(b) any expenses of works executed by the Corporation under the Act of 1892 in or in relation to that street are apportioned on such part or portion of that land; and

PART III.
—cont.

- (c) the Corporation 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
- (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 Corporation 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.

Urgent repairs
of private
streets.

28.—(1) In any street not being a highway repairable by the inhabitants at large the Corporation 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 per one hundred yards of the length of the street.

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

Crossings over
footways.

29.—(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 Corporation may either—

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

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

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

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) subject to any condition other than the strengthening or adaptation of the footway any person who 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 18 (Crossing for cattle &c. over footways) of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

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

(6) Before requiring the construction of any carriage-crossing across the footway of a trunk road or of a county road or allowing the use of such a footway subject to any condition the Corporation shall obtain in the case of a trunk road the consent of the Minister of Transport and in the case of a county road the consent of the county council.

PART III.
—cont.
Power to lay
out grass
margins &c.
in streets.

30. The Corporation 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 Corporation 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 shall empower the Corporation 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 Corporation shall be deemed to be the undertakers;
- (3) the powers of this section shall not be exercised with reference to any trunk road without the consent of the Minister of Transport nor with reference to any county road except with the consent of the county council.

Prohibition of
persons
vehicles &c.
on grass
margins.

31.—(1) In so far as the Corporation may indicate by notices conspicuously placed on or in proximity to any grass or other area which is situate in or forms part of or adjoins any street and is mown or maintained by the Corporation in an ornamental condition that such area is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse cattle or vehicle on over or across any such area shall be liable to a penalty not exceeding one pound.

(2) Nothing contained in this section shall affect the duty of the Corporation under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930.

20 & 21 Geo. 5.
c. 43.

(3) The Corporation shall not exercise the powers of this section in relation to a county road except with the consent of the county council.

32. The Corporation may provide and maintain in any street repairable by the inhabitants at large tubs for trees or plants:

PART III.
—cont.
Power to
provide tubs
for trees &c.

Provided that this power shall not be exercised—

- (1) so as to hinder the reasonable use of the street by any person entitled to use the same or so as to become a nuisance or injurious to the owner or occupier of the land adjacent to the street; or
- (2) in respect of a trunk road except with the consent of the Minister of Transport; or
- (3) in respect of a county road except with the consent of the county council.

33. The Corporation when carrying out in any street or in any part thereof any works under the Act of 1892 may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street or such part thereof cause trees or shrubs to be planted and grass margins to be laid out in such street or such part thereof 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 Corporation under this section shall be deemed part of the expenses of carrying out the said works:

Planting of
trees in streets.

Provided that—

- (1) 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 the land adjacent to the said street;
- (2) 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 Act of Parliament and the Corporation shall be deemed to be the undertakers and in respect of any telegraphic line belonging to or maintainable by the Kingston upon Hull Corporation the provisions of the said section 7 shall extend and apply as if references in that section to the Postmaster-General included references to the Kingston upon Hull Corporation.

34.—(1) In any case in which the forecourt of any premises adjoining a street 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

Fencing of
forecourts.

PART III.
—cont.

inconvenience to the public the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who contravenes a requirement under this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(3) The Corporation shall not exercise the powers of this section in relation to a county road except with the consent of the county council.

Provisions as
to forecourts.

35.—(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 is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice 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 who contravenes a requirement of any such notice shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

As to
pavement
lights.

36.—(1) It shall be lawful for the owner or occupier of any property with the consent of the Corporation to construct in any pavement forming part of any street in the borough 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.

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

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

(4) The powers of this section shall not be exercised in relation to any county road except with the consent of the county council.

Direction
signs.

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

(2) Before putting up or painting a sign on a house building or place the Corporation shall give to the owner of such house building or place notice of their decision so to do.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign otherwise than in the course of demolishing or altering the house or building shall be liable to a penalty not exceeding two pounds and the Corporation may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred by this section with respect to traffic signs shall be subject—

(a) to the provisions of the Road Traffic Acts 1930 to 1947 and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions; and

(b) to the consent of the county council.

(5) In this section the expression " traffic sign " has the meaning assigned to that expression by section 48 of the Road Traffic Act 1930.

38.—(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 Corporation the safety and convenience of the public.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

39. For the purpose of preventing danger to pedestrians from traffic the Corporation may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools Sunday schools public baths public parks public halls 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 (Vesting of streets &c. in urban authority) of the Public Health Act 1875 are exercisable by them as respects roads so repairable and the Corporation may from time to time repair renew maintain or remove any fences rails or posts so placed by them. Power to place fences near school entrances &c.

PART III.

—cont.

Attachment of
lamps &c. to
buildings
and bridges.

40.—(1) The Corporation may with the consent in writing of the owner of any building or wall or any bridge over any street attach thereto such lamps brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of street lighting.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

(a) any building or wall forming part of an aerodrome;
or

(b) any building which is designated in a list compiled or approved by the Minister of Town and Country Planning as being a building of architectural or historic interest or any building or wall which the owner thereof alleges to be a building or wall of such interest; or

(c) any building or wall or bridge owned by any highway authority the commission or any electricity board established under and as defined in the Electricity Act 1947 or telephone or water or gas undertakers;

10 & 11 Geo. 6.
c. 54.

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or wall or bridge they may appeal in the case of a building or wall or bridge owned by any highway authority or by the commission to the Minister of Transport in the case of a building or wall owned by water undertakers to the Minister and in any other case to the Minister of Fuel and Power and the Minister of Transport the Minister or the Minister of Fuel and Power as the case may be may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or wall or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or wall or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove

the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments:

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or wall or bridge the owner of the building or wall or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or wall or bridge.

(6) In this section—

the expression “owner”—

(a) in relation to a building or wall occupied under a tenancy for a term of years whereof five years or more remain unexpired means the occupier of the building;

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building or wall forming part of an aerodrome means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression “own” shall be construed accordingly;

the expression “rack rent” means in relation to the building a rent which is not less than two-thirds of the full net annual value of the building; and

the expression “aerodrome” means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same. 10 & 11 Geo. 5.
c. 80.

41.—(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—

As to
hoardings
and
similar
structures.

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

PART III.
—cont.51 & 52 Vict.
c. 52.

- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 (Provisions as to byelaws relating to new streets) 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.

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

(2) (a) The Corporation may by notice 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 Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who contravenes a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and the Corporation 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 date of the passing of this Act for a period of five years from such date; or

(b) apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete; or

(c) apply to any advertisement as defined in the Town and Country Planning Act 1947; or

(d) apply to any wall erected on land belonging to the commission so long as such land is used by the commission primarily for railway purposes.

42.—(1) No person shall place or erect in the borough 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 Corporation notice of his intention so to do accompanied by plans and particulars of the hoarding wall or fence and the Corporation have approved the placing or erection thereof under this section.

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

(2) Within one month from the receipt of such a notice from any person the Corporation 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 Corporation 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 Corporation 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 Corporation 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 than 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 Corporation may themselves remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

PART III.
—cont.

(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 (Prevention of obstruction to view at corners) of the Roads Improvement Act 1925.

15 & 16 Geo. 5.
c. 68.Erection of
buildings to
greater height
than adjoining
building.

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

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

Cellars not to
be constructed
below subsoil
water level.

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

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

As to
neglected sites.

45.—(1) In this section "neglected site" means the site of a demolished partly demolished or ruinous building in the borough which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

(2) A court of summary jurisdiction on complaint of the Corporation may order the owner of any neglected site to execute such work as may be necessary—

(a) in the case of a demolished building to remove from the site any material or rubbish;

(b) in the case of a partly demolished or ruinous building to complete the demolition of the building and remove from the site any material or rubbish; within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected site and execute the order and may sell or dispose of any material or rubbish found on the neglected site.

(4) All expenses incurred by the Corporation under subsection (3) of this section may be recovered by the Corporation from the owner of the neglected site.

46.—(1) Every chimney erected in the borough 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 given by the Corporation 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 Corporation shall reasonably require having regard to the use of such chimney the position of houses or other buildings near thereto the character of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement:

Height of
chimneys.

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 Corporation shall obtain the consent of the Minister of Civil Aviation.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

(3) Nothing contained in this section 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 belonging to or used by the commission in the exercise of their statutory powers or to any lands held by the commission with the authority of Parliament so long as any such building railway work or land is used or held by the commission for the purposes of their undertaking.

PART III.
—cont.

(4) For the removal of doubts it is hereby declared that the raising of the height of any such chimney as is referred to in this section shall not be carried out except with the consent of the local planning authority.

Power to order
alteration of
chimneys.

47. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation 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 outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the borough 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 contravenes such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Shelters &c. for
passengers.

48.—(1) The Corporation may erect and maintain on any street in the borough 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.

(2) The Corporation 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;

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) The Corporation shall not in pursuance of this section erect any shelter or other accommodation or rail on any part

of any trunk road without the consent of the Minister of Transport:

Provided that if in any case the said Minister withholds his consent and the Corporation give notice to him that they are aggrieved the matter shall be referred to arbitration.

(4) 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.

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

(6) The Corporation may enter into and fulfil agreements with any person authorised to run public service vehicles within the borough 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.

(7) In this section the expression " public service vehicle " has the meaning assigned thereto by section 121 of the Road Traffic Act 1930.

49.—(1) Where the council resolve to construct a sewer in a street or part of a street 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 Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of section 51 (Provisions applicable to the last two preceding sections) of this Act the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the said section shall be apportioned by the Corporation 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.

Apportionment to frontagers of expenses of sewer constructed under public highway.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough 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 Corporation and the owners of the land.

PART III.

—cont.

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

50.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in land 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 the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation 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 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 the 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 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 Corporation and the owner of the land.

Provisions applicable to the last two preceding sections.

51.—(1) The sum apportionable under either of the last two preceding sections 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 borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice 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 on which 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 the 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 erection of a new building shall be deemed to include—

(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 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 dwelling-house of any building not originally constructed for human habitation;

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

(iv) any extension by reason whereof the area occupied by the site of the building will with any previous extension made since the date on which the resolution became operative or the street was laid out (as the case may be) 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

PART III.
—cont.15 & 16 Geo. 5.
c. 22.

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 section 49 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act 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 Corporation 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 Corporation 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.

As to defective
drains &c.

52.—(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 within the borough 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 the Corporation 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 inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

(3) The provisions of this section shall not apply to any premises (not being premises used as a house or office or as a sanitary convenience for the public) belonging to or used by the commission for the purposes of their undertaking.

53. The powers of section 48 (Power of local authority to examine and test drains &c. believed to be defective) of the Act of 1936 may be exercised in pursuance of any general or special directions given by the Corporation 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.

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

54. If any drain or private sewer shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain 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:

As to repair of drains.

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

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

Improper construction or repair of water-closet or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought

PART III.
—cont.

before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

For protection
of
Postmaster-
General.

56.—(1) Where any highway or portion of a highway is stopped up in pursuance of an order made under section 24 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation 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 exerciseable notwithstanding the stopping up of the highway or portion of the highway so however that the said power shall not be exerciseable 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 Corporation 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 Corporation 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 Corporation 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 Corporation 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.

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

(3) If in exercise of the powers conferred by section 18 (Amendment of section 17 of Public Health Acts Amendment Act 1907) or section 22 (Power to vary width of carriageways and footways) of this Act (which said sections are hereinafter referred to as "the specified sections") the Corporation 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 Corporation 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 Corporation 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 Corporation 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 Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(b) the Corporation 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 Corporation is to be carried out.

(5) In this section the expression "alteration" has the same meaning as in the Telegraph Act 1878.

PART IV.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Information to
be furnished
in case of
notifiable
disease.

57.—(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.

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

Parents &c. to
notify certain
diseases.

58.—(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 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 one pound.

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

(2) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease.

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

Restrictions on
attendance at
schools and
places of
assembly.

59.—(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 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 and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease.

(3) In this section the expression "day school" means a school (not being a county school voluntary school or county college 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 contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds.

60.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of 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.

PART IV.
—cont.

(3) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease.

(4) In this section the expression "day school" means a school (not being a county school voluntary school or county college 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.

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

61. If any person at the request in writing of the Corporation or the medical officer stops his employment for the purpose of preventing the spread of a notifiable disease or of a milk-borne disease as defined in section 37 of the Food and Drugs Act 1938 or of food poisoning the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Entry into premises in case of disease.

62.—(1) 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:

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.

(2) Any person who obstructs the medical officer in the exercise of his powers under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

Cleansing of filthy or verminous premises.

63. Section 83 (Cleansing of filthy or verminous premises) of the Act of 1936 shall within the borough have effect as if the following were substituted for subsection (1) of that section:—

"(1) Where the local authority upon consideration of an official representation or a report from any of

their officers or other information in the possession of the local authority are satisfied that any premises—

(a) are in such a filthy or unwholesome condition as to be prejudicial to health; or

(b) are verminous;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises—

(i) by cleansing and disinfecting them;

(ii) by distempering or whitewashing the interior surface thereof or in the case of premises used for human habitation or as shops or offices by papering or painting the said interior surface;

and the notice may require among other things the removal of wallpaper or other covering on the walls and in the case of verminous premises the taking of such other steps as may be necessary for the purpose of destroying or removing vermin."

64.—(1) No dealer shall—

(a) prepare for sale;

(b) sell or offer or expose for sale; or

(c) deposit for the purpose of sale or preparation for sale;

Prohibition
on sale of
verminous
articles.

any furniture mattress bed-linen clothing or similar article (in this section called "article") if the same is to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

(2) If a dealer contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and the Corporation upon a certificate of the medical officer or the sanitary inspector may remove any such verminous article and cause the same to be cleansed purified disinfected or destroyed as the case may require and may recover the cost of so doing from such dealer.

(3) The medical officer and the sanitary inspector may enter any premises in which any article is sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section or for the purpose of removing any verminous article.

(4) For the purposes of this section—

"dealer" means any person who trades or deals in any article;

"preparation for sale" shall not include disinfestation.

PART IV.

—cont.

Sanitary
conveniences
for workmen.
1 Edw. 8. &
1 Geo. 6.
c. 67.

65.—(1) The contractor engaged in or upon the construction or reconstruction of any work not being a work to which section 107 (Building operations) or section 108 (Works of engineering construction) of the Factories Act 1937 applies shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation 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.

(2) Any person who contravenes this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Dis-
continuance
of offensive
trade.

66.—(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 Act of 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 Corporation may serve on the owner or occupier of such premises notice 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 contravenes any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(3) If the Corporation 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 Corporation:

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

(4) 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.

PART IV.
—cont.

67.—(1) The Corporation may make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any dust spoil or refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

Byelaws as to tipping refuse.

(2) The byelaws made under this section may contain provisions for imposing on persons contravening the byelaws penalties recoverable on summary conviction not exceeding fifty pounds for each offence and a daily penalty not exceeding ten pounds.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Act of 1936 authorised to proceed with respect to a statutory nuisance of the existence of which they are satisfied and sections 93 to 98 and section 100 of that Act shall apply accordingly.

(4) A person contravening any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 (Power of court to make nuisance order if abatement notice disregarded) of the Act of 1936 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for the continuance of his offence after conviction and to a penalty under section 95 (Penalty for contravention of nuisance order and abatement of nuisance by local authority) of the Act of 1936 (as so applied) for contravening an order.

(5) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by the commission for the purpose of constructing widening or maintaining any railway works.

68. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions—

Byelaws as to stables.

- (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.

PART IV.

—cont.

Byelaws as to
lodging-
houses.Sanitary
conveniences
used in
common.Registration of
hairdressers
and barbers
and their
premises.

69. Section 6 (Byelaws as to working-class houses) of the Housing Act 1936 shall operate so as to empower the Corporation to make byelaws relating to houses which are let in lodgings or occupied by members of more than one family so as to require a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

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

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

(3) Any owner who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

71.—(1) As from the commencement of this section every person who shall carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose.

(2) The Corporation may make byelaws for the purpose of securing—

(a) the cleanliness of any premises registered under this section and of the instruments towels materials and equipment used therein; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section displayed in the registered premises.

(4) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any

byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on:

PART IV.
—cont.

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (b) of subsection (2) of this section shall not be exercised by any officer except the medical officer or the sanitary inspector.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

PART V.

FOOD.

72.—(1) As from the commencement of this section where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to an authorised officer of such intention and shall on the application of an authorised officer within six weeks from the date of such slaughter furnish such information within his knowledge as the authorised officer may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcasses or any part thereof.

Notice of
slaughter of
animal unfit
for food.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

(3) This section shall not apply to the slaughter of any animal to which the Public Health (Meat) Regulations 1924 apply.

PART V.
—cont.1 Edw. 8. &
1 Geo. 6.
c. 70.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(5) In this section the expression "authorised officer" means—

- (a) the medical officer;
- (b) the sanitary inspector; or
- (c) any other officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act.

Registration
of hawkers of
food and their
premises.

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

- (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 Corporation;
- (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 contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(4) (a) The Corporation 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; or
- (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 Corporation 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 a committee of the council not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises. Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Corporation 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 section 116 (As to appeals) of this Act 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 Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough 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 Corporation 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 (Registration of premises used in connection with the manufacture or sale of ice-cream or preserved food &c.) of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II (Provisions as to milk dairies and artificial cream) of that Act or under any regulations made thereunder or under an enactment thereby repealed.

(8) The provisions of this section shall not apply to any premises used as a theatre cinematograph theatre music hall or concert hall 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 a container of such materials and so closed as to exclude all risk of contamination.

PART V.
—cont.

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

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 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 Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Corporation 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 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 Corporation to such person.

(3) If any such person contravenes any such order he shall be liable to a penalty not exceeding two pounds 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 premises within the borough in which food other than—

(a) milk;

(b) meat to which the Public Health (Meat) Regulations 1924 apply; and

(c) food which is contained in a container of such materials and so closed as to exclude all risk of contamination;

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 flies or other 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 contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

PART VI.

FINANCE AND RATING.

76.—(1) Subject to the provisions of this Act the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority 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 Corporation may determine not exceeding five years from the passing of this Act.

Power to Corporation to borrow.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with 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.

77. 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.

78.—(1) If in respect of any financial year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation from which revenue is derived other than their gas undertaking (including the interest and other annual proceeds received by the Corporation 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 Corporation in respect of that undertaking properly chargeable to revenue the Corporation (if they think fit) may in respect of that year apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

Application of general rate fund for certain purposes.

- (a) in the reduction of capital moneys borrowed for the purpose of the undertaking;
- (b) in the renewal 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 the Corporation may from time to time think reasonable

PART VI.
—cont.

and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the reserve fund so provided amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of that undertaking.

(2) Any reserve fund which has been provided in respect of any undertaking of the Corporation other than their gas undertaking and which is in existence on the first day of April nineteen hundred and forty-nine shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

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

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or
- (c) in or towards the payment of the cost of acquiring land for or 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.

Consolidated
loans fund.

79.—(1) Notwithstanding anything contained in any enactment the Corporation (if they think fit) may on or after the thirty-first day of March nineteen hundred and forty-nine establish a fund to be called “ the consolidated loans fund ” to which shall be paid—

- (a) all moneys borrowed by the Corporation by the issue of any security and all moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each financial year out of other funds of the Corporation to comply

with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

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

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

(a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys in the consolidated loans fund not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys in 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 the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

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

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

PART VI.
—cont.

being not repaid to the lending fund at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid shall (subject to any prescribed limit on the amount of the lending fund) be credited to the lending fund.

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

(6) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be made by the Corporation and 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 amended or revoked by a scheme made and approved in like manner as the original scheme.

Capital fund.

80.—(1) The Corporation may (if they think fit) 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 Corporation the balance of the general rate fund in hand at the close of any financial 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 any sum directed by the council to be paid to the capital fund from the general rate fund (in addition to a sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) shall not exceed in any financial year the equivalent of three times the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925.

15 & 16 Geo. 5.
c. 90.

(2) The maximum amount standing to the credit of the capital fund shall not at any time exceed twenty thousand pounds or such greater amount as the Minister may approve.

(3) The Corporation may apply the moneys in the capital fund for the purposes of defraying expenditure to which capital is properly applicable to an amount not exceeding

five thousand pounds in any one transaction other than expenditure in connection with an undertaking from which revenue is derived and expenditure to which section 83 (Art fund) of this Act applies or in providing money for payments into sinking funds in respect of loans raised under any borrowing powers (but not in making the annual payment required to be made thereto).

(4) (a) Pending the application of the capital fund to the purpose 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 purpose authorised shall be carried to and form part of the general rate fund.

(5) All moneys derived from the sale of any property of the Corporation which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund under those provisions may if the Corporation think fit 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 Corporation.

81.—(1) The Corporation may (if they think fit) establish a fund to be called "the renewal and repairs fund" for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances horses carts vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things for the purposes of any undertaking of the Corporation in respect of which they have provided a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into the renewal and repairs fund but the maximum amount standing to the credit of that fund shall not at any time exceed twenty thousand pounds.

(3) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised by this section such moneys shall (unless applied in any other

PART VI.
—cont.

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 manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the renewal and repairs fund unless the amount standing to the credit of that fund amounts to twenty thousand pounds.

General
insurance
fund.

82.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the council (in this section referred to as "the specified risks").

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) In each financial year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks; or

(b) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking depart-

ment or service of the Corporation which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every financial year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in

PART VI.
—cont.

respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(8) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation.

Art fund.

83.—(1) The Corporation may if they think fit establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the Corporation's art galleries museums town hall or other building of the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925:

Provided that when the art fund shall amount to ten thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of ten thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised by 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 art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

Power to grant
allowances or
gratuities in
certain cases.

84.—(1) The Corporation 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:

Provided that this section shall not apply—

PART VI.
—cont.

(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

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

(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.

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 paid if he had continued in his employment.

85. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any gas or water rate or charge which may be due from him to the Corporation and intends to evade payment of the same 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 and to detain them until the complaint is determined upon the return of the summons.

Recovery of
rates &c. from
persons
removing.

86.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation 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 Corporation 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 Corporation 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.

PART VI.
—cont.

(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.

As to recovery summarily of sums due for fittings.

87. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of gas or water any other sum due or payable to the Corporation 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 gas or 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.

PART VII.

MISCELLANEOUS.

As to barriers in streets.

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

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient but the Corporation shall not exercise the powers of this subsection in a trunk road except with the consent of the Minister of Transport.

(3) The Corporation shall not exercise the powers of this section in relation to a county road except with the consent of the county council.

Power to make regulations as to traffic on carnival &c. days.
10 & 11 Vict.
c. 89.

89.—(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 borough extend to enable the Corporation 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.

PART VII,
—cont.

(2) Except in cases of emergency the Corporation shall not exercise any of the powers conferred upon them by this section except after consultation with the chief constable of the county.

90.—(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 borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation and to the chief constable of the county by leaving such notice at the office of the town clerk and at the police headquarters in the borough respectively 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) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice any person organising or conducting such procession shall be liable to a penalty not exceeding five pounds.

91. When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any such portion so set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to the payment of such charges and the observance of such conditions as the Corporation may think fit:

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

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

92. Every person who negligently breaks throws down or otherwise damages any street refuge street sign 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 Corporation shall make full compensation to the

Compensation
for injuring
lamps &c.

PART VII.
—cont.

Corporation 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 Corporation) be recovered summarily as a civil debt.

Restriction on
erection of
stands &c.

93.—(1) Every person intending to erect any stand or structure 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 Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

(2) Any person aggrieved by any conditions prescribed by the Corporation under subsection (1) of this section may appeal in accordance with section 116 (As to appeals) of this Act:

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 Corporation 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 two pounds.

(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.

Ejection of
steam and
waste gas to
annoyance of
public.

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

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

(3) The provisions of this section shall not apply to any locomotive used by the commission.

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

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

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to the commission and used by them for the purposes of their 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 from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

96.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936:

Provided that no complaint to a justice under section 99 (Power of individual to make complaint as to statutory nuisance) of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) In any proceedings under the Act of 1936 in respect of a noise nuisance occasioned in the course of any trade business or occupation it shall be a good defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

(3) 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 which is injurious or prejudicial to health.

(4) Nothing contained in this section shall apply to the commission or their servants exercising statutory powers.

(5) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 (Byelaws for good rule and government and suppression of nuisances) of the Act of 1933.

PART VII.

—cont.

Provision of
weighing
machines.Maintenance
of graves in
burial grounds.

97. The Corporation may provide and maintain weighing machines for weighing persons in any premises belonging to them and may charge for the use thereof.

98.—(1) The Corporation may maintain in perpetuity or for such period as they may determine a grave or grave space or monument in any burial ground or cemetery provided or maintained by them and may accept a sum of money from any person in consideration of such maintenance.

(2) The Corporation may apply for the purposes of this section any sum of money received by them before the passing of this Act in consideration of such maintenance.

(3) The Corporation may if they think fit invest in statutory securities the whole or any part of any such sum as is referred to in subsection (1) or subsection (2) of this section and apply the interest thereon in maintaining the grave or grave space or monument in such manner as the Corporation shall think fit.

(4) Any such sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to their cemetery or burial ground.

Further
provisions as to
working-class
houses.

99.—(1) For the purposes of Part II (Provisions for securing the repair maintenance and sanitary condition of houses) of the Housing Act 1936 any house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or painted with oil-bound water paint of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such house accordingly.

(2) On an appeal to the county court by the person having control of a house upon whom the Corporation have served notice under section 9 (Power of local authority to require repair of insanitary house) of the Housing Act 1936 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

(a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;

(b) the period for which the house is likely to continue occupied;

- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the house;
- (d) whether the condition of the house is or is not due to the wilful default or neglect of the tenant.

100. The Corporation may levy and recover such charges as they think fit for taking at the request and for the convenience of any consumer at a time other than that of the periodical meter readings the reading of any gas and water meters fixed in any premises:

Charges for special readings of gas and water meters.

Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading of a gas meter or one shilling for each reading of a water meter.

101. The Corporation may pay—

Expenses of public ceremonies &c.

- (a) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough; and
- (b) reasonable expenses in connection with the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

102. The Corporation may pay reasonable subscriptions (whether annually or otherwise) to the funds of any association formed for the purpose of consultation as to matters affecting the Corporation or of interest to them as a Corporation and the discussion of such matters or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any members or officers of the Corporation at or of persons nominated by the Corporation to attend conferences or meetings of such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Subscriptions to certain associations and other expenses.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half of the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925.

PART VII.

—cont.

For protection
of British
Transport
Commission.

103. The Corporation shall not exercise the powers of the following sections of this Part of this Act (namely):—

Section 88 (As to barriers in streets);

Section 89 (Power to make regulations as to traffic on carnival &c. days);

in such manner as to cause obstruction to or interference with the access to or exit from any station or depot of the commission except with the consent of the commission or if such consent be unreasonably withheld the consent of the Minister of Transport.

PART VIII.

GENERAL.

Apportion-
ment of
expenses in
case of joint
owners.

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

Breach of
conditions of
consent of
Corporation.

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

In executing
works for
owner
Corporation
liable for
negligence
only.

106. Whenever the Corporation or any of their officers under any enactment 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 execute re-execute or alter such work or do such act or thing the Corporation or their officer shall not as between themselves or himself and such owner occupier or other person in the absence of any negligence on their or his part or the part of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation or such officer 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 accordingly be recoverable by the Corporation or such officer.

PART VIII.
—cont.

107.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction or repair the surveyor or the medical officer or the sanitary inspector or their assistants shall have from the builder 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.

Powers on
inspection.

(2) Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor the medical officer the sanitary inspector or their assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

108.—(1) Every undertaking or agreement under seal expressed to be given or made in pursuance of this section and being—

Undertakings
to bind
successive
owners.

(a) an undertaking given by or to the Corporation to or by the owner of any legal estate in land or property;
or

(b) an agreement between the Corporation and any such owner;

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 Corporation and such owner and other persons upon whom such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any such undertaking or agreement 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.

109. As respects byelaws made under this Act the confirming authority for the purposes of section 250 (Procedure &c. for making byelaws) of the Act of 1933 shall be—

As to byelaws.

(a) in the case of byelaws made under section 48 (Shelters &c. for passengers) of this Act the Secretary of State; and

(b) in all other cases the Minister.

PART VIII.

—cont.

Restriction on
right to
prosecute.

110. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part III (Streets buildings sewers and drains) Part IV (Infectious disease and sanitary matters) and Part V (Food) of this Act as if they were offences created by or under that Act.

Damages and
charges to be
settled by
court.

111. 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.

Application of
Arbitration
Acts.

112. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions 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 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.

Compensation
how to be
determined.

113. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Inquiries by
Ministers.

114. The Minister the Minister of Transport and the Minister of Fuel and Power may hold such inquiries as they may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 (Power of government departments to direct inquiries) of the Act of 1933 shall apply accordingly.

Commence-
ment of
certain
provisions of
this Act.

115.—(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 Corporation by advertisement in one or more local newspapers circulating in the borough. 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: PART VIII.
—cont.

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.

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

(3) This section shall apply to the following sections of this Act (namely):—

Section 58 (Parents &c. to notify certain diseases);

Section 59 (Restrictions on attendance at schools and places of assembly);

Section 71 (Registration of hairdressers and barbers and their premises);

Section 72. (Notice of slaughter of animal unfit for food);

Section 73 (Registration of hawkers of food and their premises).

(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) was 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 section 116 (As to appeals) of this Act.

116.—(1) Any person aggrieved by any requirement As to appeals. refusal or other decision of the Corporation or of any officer thereof under Part III (Streets buildings sewers and drains) (other than a requirement of section 52 (As to defective drains &c.) of this Act) Part IV (Infectious disease and sanitary matters) or Part V (Food) of this Act or section 93 (Restriction on erection of stands &c.) of this Act 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.

PART VIII.
—cont.

(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 a committee of 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 Corporation shall not execute such work or take such action; and

(c) subject to the proviso to subsection (2) of section 93 (Restriction on erection of stands &c.) of this Act any such person may carry on such business and use such premises for such purpose;

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

Corporation 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.

117. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local enactment for the time being in force in the borough as if the same were re-enacted therein.

Application of section 265 of Public Health Act 1875.

118. The sections of the Act of 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):—

Application of provisions of Act of 1936.

- Section 271 (Interpretation of "provide");
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- 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 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 293 (Recovery of expenses &c.);
- Section 294 (Limitation of liability of certain owners);
- Section 295 (Power of local authority to grant charging orders);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);

PART VIII.
—cont.

- 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);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part III (Streets buildings sewers and drains) Part IV (Infectious disease and sanitary matters) and Part V (Food) of this Act.

For protection
of Kingston
upon Hull
Corporation.

119. For the protection of the Kingston upon Hull Corporation the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation and the Kingston upon Hull Corporation apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“ apparatus ” means all or any—

(a) water mains pipes valves hydrants stop-cocks pumping equipment and other apparatus; and

(b) telegraphic line;
belonging to or maintainable by the Kingston upon Hull Corporation:

(2) Not less than twenty-eight days before the Corporation—

(a) pursuant to section 15 (Means of access to buildings) of this Act require the provision of means of communication across any footway in or under which any apparatus is for the time being situate; or

(b) pursuant to section 29 (Crossings over footways) of this Act—

(i) require the construction of a carriage-crossing across any such footway; or

(ii) allow the use of any such footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle);

the Corporation shall give notice to the Kingston upon Hull Corporation and if in consequence of the

construction of the means of communication or carriage-crossing across such footway or the use of such footway for the purpose aforesaid it shall be reasonably necessary to alter the position of the apparatus the Kingston upon Hull Corporation may (and if so required by the Corporation shall) alter the position of the apparatus to such other position as may be reasonable:

- (3) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 18 (Amendment of section 17 of Public Health Acts Amendment Act 1907) or section 22 (Power to vary width of carriageways and footways) or section 30 (Power to lay out grass margins &c. in streets) of this Act add to the carriageway of a street any portion of the footway or of any grass margin in over or under which any apparatus is for the time being situate the Corporation shall give to the Kingston upon Hull Corporation notice of their intention so to do accompanied by a plan and section of the intended alteration and the Kingston upon Hull Corporation may if it is reasonably necessary (and if so required by the Corporation shall) alter the position of the apparatus to such other position in over or under—
- (a) the carriageway or footway; or
 - (b) the grass margin (if any) at the side of the street as altered;
- as may be reasonable:
- (4) The Kingston upon Hull Corporation shall within fourteen days from the receipt of a notice from the Corporation pursuant to subsection (2) or subsection (3) of this section give to the Corporation not less than fourteen days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:
- (5) Where the Corporation under the powers of section 23 (Temporary stoppage of streets) of this Act stop up temporarily any street in which any apparatus is situate they shall provide reasonable access

for the officers servants and workmen of the Kingston upon Hull Corporation for the purpose of enabling them to inspect repair and renew any such apparatus or to lay or place new apparatus:

- (6) (a) Whenever by virtue of the provisions of section 24 (Stopping up and diversion of highways) of this Act any highway or part of a highway in over or under which any apparatus is for the time being laid or placed is stopped up or diverted the Kingston upon Hull Corporation shall be at liberty to—

(i) remove the apparatus to and relay or replace the same in over or under the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other position as the Kingston upon Hull Corporation may reasonably determine; or

(ii) if it is reasonably necessary so to do provide and lay or place other apparatus in over or under such substituted highway or in such other position as aforesaid in lieu of such existing apparatus;

(b) Whenever by reason or in consequence of the exercise by the Corporation of the powers of the said section 24 any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the Kingston upon Hull Corporation such a sum as may be agreed between the Corporation and the Kingston upon Hull Corporation or as failing agreement between them may be determined by arbitration to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Corporation:

- (7) The Corporation shall repay to the Kingston upon Hull Corporation the reasonable expenses incurred by the Kingston upon Hull Corporation of or in connection with—

(a) the alteration of the position of any apparatus under subsection (2) or subsection (3) of this section;

(b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of subsection (6) of this section;

(c) the making good of any damage to any apparatus caused by or resulting from any act omission or default of the Corporation their officers servants and workmen in the exercise of the powers of Part III of this Act;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

Provided that if the Kingston upon Hull Corporation provide and lay or place apparatus of greater dimensions or of greater capacity than those of the existing apparatus the Kingston upon Hull Corporation shall bear such proportion of the cost of such provision and laying or placing as represents the amount by which such cost exceeds the cost which would have been incurred if the dimensions or the capacity of the apparatus so laid or placed had been the same as those of the existing apparatus:

- (8) Section 26 (Streets broken up to be reinstated) of this Act shall not apply where any street is opened or broken up by the Kingston upon Hull Corporation for the purpose of laying down inspecting maintaining repairing renewing or removing apparatus:
- (9) The Corporation shall not exercise any of the powers of the following sections of this Act:—
- Section 33 (Planting of trees in streets);
 - Section 39 (Power to place fences near school entrances &c.);
 - Section 48 (Shelters &c. for passengers);
 - Section 88 (As to barriers in streets);

so as to cause damage to or obstruct or render less convenient the access to any apparatus:

- (10) (a) Any difference which may arise between the Corporation and the Kingston upon Hull Corporation under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;

(b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the Kingston upon Hull Corporation

PART VIII.
—cont.

may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For protection
of electricity
boards.

120. For the protection of the British Electricity Authority and the Yorkshire Electricity Board (in this section referred to respectively as "the central authority" and "the area board") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation on the one hand and the central authority or the area board (as the case may be) on the other hand apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

"apparatus" means all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the central authority or the area board (as the case may be);

"electricity board" means where that expression is used in relation to apparatus belonging to the central authority that authority and where that expression is used in relation to apparatus belonging to the area board that board:

(2) Not less than twenty-eight days before the Corporation—

(a) pursuant to section 15 (Means of access to buildings) of this Act require the provision of means of communication across any footway in or under which any apparatus is for the time being situate; or

(b) pursuant to section 29 (Crossings over footways) of this Act—

(i) require the construction of a carriage-crossing across any such footway; or

(ii) allow the use of any such footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle);

the Corporation shall give notice to the electricity board and if in consequence of the construction of

the means of communication or carriage-crossing across such footway or the use of such footway for the purpose aforesaid it shall be reasonably necessary to alter the position of the apparatus the electricity board may (and if so required by the Corporation shall) alter the position of the apparatus to such other position as may be reasonable;

- (3) Whenever pursuant to any agreement entered into under the powers of section 20 (Adjustment of boundaries of streets) of this Act the Corporation propose to give or convey to any person any land forming part of a street in over or under which any apparatus is laid or placed the Corporation shall give to the electricity board not less than twenty-eight days' notice of their proposal accompanied by a plan showing the position and dimensions of the portion of the street proposed to be given or conveyed and notwithstanding any agreement entered into or grant or conveyance executed by the Corporation under that section the electricity board their engineers and workmen shall have and may exercise the same powers rights and privileges with respect to such apparatus as if the land in over or under which the apparatus is laid or placed had continued to be part of the street or the electricity board may at their option (and if reasonably required by the Corporation or the owner of the land shall) alter the position of the apparatus to such other position in over or under the footway or carriageway of the street as altered under the said powers as may be reasonable:
- (4) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 22 (Power to vary width of carriageways and footways) or section 30 (Power to lay out grass margins &c. in streets) of this Act add to the carriageway of a street any portion of the footway or of any grass margin in over or under which any apparatus is for the time being situate the Corporation shall give to the electricity board notice of their intention so to do accompanied by a plan and section of the intended alteration and the electricity board may if it is reasonably necessary (and if so required by the Corporation shall) alter the position of the apparatus to such other position in over or under—

(a) the carriageway or footway; or

- (b) the gross margin (if any) at the side of the street as altered;
as may be reasonable:
- (5) The electricity board shall within fourteen days from the receipt of a notice from the Corporation pursuant to any of the three immediately preceding subsections give to the Corporation not less than fourteen days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) under the provisions of the relevant subsection and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:
- (6) (a) Whenever by virtue of the provisions of section 24 (Stopping up and diversion of highways) of this Act any highway or part of a highway in over or under which any apparatus is for the time being laid or placed is stopped up or diverted the electricity board shall be at liberty to—
- (i) remove the apparatus to and relay or replace the same in over or under the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other position as the electricity board may reasonably determine; or
- (ii) if it is reasonably necessary so to do to provide and lay or place other apparatus in over or under such substituted highway or in such other position as aforesaid in lieu of such existing apparatus;
- (b) Whenever by reason or in consequence of the exercise by the Corporation of the powers of the said section 24 any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the electricity board such a sum as may be agreed between the Corporation and the electricity board or as failing agreement between them may be determined by arbitration to be the value of the apparatus so rendered derelict useless or unnecessary and

such apparatus shall upon such payment become the property of the Corporation: PART VIII.
—cont.

(7) The Corporation shall repay to the electricity board the reasonable expenses incurred by the electricity board of or in connection with—

(a) the alteration of the position of any apparatus under subsection (2) subsection (3) or subsection (4) of this section;

(b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of subsection (6) of this section; or

(c) the making good of any damage to any apparatus caused by or resulting from any act omission or default of the Corporation their officers servants and workmen in the exercise of the powers of Part III of this Act;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

Provided that if the electricity board provide and lay or place apparatus of greater dimensions or of greater capacity than those of the existing apparatus the electricity board shall bear such proportion of the cost of such provision and laying or placing as represents the amount by which such cost exceeds the cost which would have been incurred if the dimensions or the capacity of the apparatus so laid or placed had been the same as those of the existing apparatus:

(8) Where the Corporation under the powers of section 23. (Temporary stoppage of streets) of this Act stop up temporarily any street in which any apparatus is situate they shall provide reasonable access for the officers servants and workmen of the electricity board for the purpose of enabling them to inspect repair and renew any such apparatus or to lay or place new apparatus:

(9) Section 26 (Streets broken up to be reinstated) of this Act shall not apply to the central authority or the area board:

PART VIII.
—cont.

- (10) Nothing in section 19 (Further powers as to future line of street) of this Act shall without the consent of the central authority or the area board (as the case may be) apply to or affect any property occupied or used by the central authority or the area board for the purpose of the business carried on by such authority or board. Provided that such consent shall not be unreasonably withheld and any question whether any such consent is unreasonably withheld shall be determined by the Minister of Fuel and Power:
- (11) The Corporation shall not exercise the powers of section 88 (As to barriers in streets) of this Act so as to cause damage to or obstruct or render unreasonably inconvenient the access to any apparatus:
- (12) The Corporation shall not exercise any of the powers of the following sections of this Act:—
- Section 32 (Power to provide tubs for trees &c.);
 - Section 33 (Planting of trees in streets);
 - Section 39 (Power to place fences near school entrances &c.);
 - Section 48 (Shelters &c. for passengers);
- so as to cause damage to or obstruct or render less convenient the access to any apparatus:
- (13) (a) Any difference which may arise between the Corporation on the one hand and the central authority or the area board on the other hand under this section (other than a difference arising under subsection (10) of this section or any difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the electricity board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

121. 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.

PART VIII.
—cont.
Saving for town and country planning.

122. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown rights.

123. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the Corporation but one-half of such costs charges and expenses as were incurred in consequence of the inclusion in the Bill for this Act of provisions relating to the acquisition of land for and the construction and maintenance of a footbridge and the discontinuance of the ferry across the river Hull may be repaid to the Corporation by the county council.

Costs of Act.

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