



CHAPTER xxxix

An Act to confer powers upon the London County Council with respect to the control of the use and occupation of certain lands in the metropolitan borough of Woolwich where subsidence is likely to occur and to make provision for matters in connection therewith.

[28th July 1950.]

WHEREAS mining operations have in times past been carried out by persons unknown in the metropolitan borough of Woolwich (hereinafter referred to as "the borough") for the purpose of winning chalk or for some other purpose and subsidences have from time to time occurred in certain lands situated within the borough and over or in the neighbourhood of cavities in the subsoil resulting from such operations:

And whereas certain structures erected upon lands in which such subsidences as aforesaid had occurred were in pursuance of the provisions of the London Building Acts (Amendment) Act 1939 (hereinafter referred to as "the Act of 1939") certified to be in a dangerous state and the London County Council (hereinafter referred to as "the Council") in the execution of their powers and duties under the Act of 1939 have obtained orders for the removal from such structures of the inmates thereof:

And whereas from investigations which have been made by the Council and by the council of the borough it appears that movements of the subsoil have taken and are taking place in an area (hereinafter referred to as "the inner area") within the borough where such cavities as aforesaid exist and it is apprehended that further subsidences will occur within the inner area:

And whereas the use or occupation of lands within the inner area in which subsidence is or becomes imminent involves or would involve danger to life:

And whereas the provisions of the Act of 1939 are insufficient for securing the safety of persons using or occupying premises within the inner area or resorting thereto and no provision adequate for that purpose is made by any other enactment and it is expedient that powers should be conferred upon the Council as in this Act provided to prohibit or regulate the use and occupation of such premises subject to such rights of appeal as are by this Act provided and to prohibit or regulate the use of streets within the area:

And whereas underground workings and other cavities in the subsoil are known to exist in parts of the borough other than the inner area and imminent danger of subsidences due to the existence of such cavities may arise or be found to exist at places within certain limits (hereinafter referred to as "the outer limits") defined by this Act and it is expedient that provision should be made for applying to areas within the outer limits the powers conferred by this Act in relation to the inner area:

And whereas it is expedient for the due execution of the provisions of this Act that the Council should be empowered to carry out investigations for the purpose of ascertaining the state of the subsoil both within the inner area and within the outer limits:

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

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

2 & 3 Geo. 6. c. 40. And whereas in relation to the promotion of the Bill for this Act the Council have complied with the requirements of section 151 of the London Government Act 1939:

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):—

Short title. 1. This Act may be cited as the London County Council (Woolwich Subsidence) Act 1950.

Interpretation. 2.—(1) In this Act unless the subject or context otherwise requires—

"the Act of 1939" means the London Building Acts (Amendment) Act 1939;

10 & 11 Geo. 6. c. 51. "the Act of 1947" means the Town and Country Planning Act 1947;

- “ additional area ” means an area contained within the outer limits ;
- “ the borough ” means the metropolitan borough of Woolwich ;
- “ closed street ” means a street in respect of which a closing order is in force and “ the closed street ” in relation to a closing order means the street to which that order applies ;
- “ closing order ” means an order made by the Council under section 4 (Closing orders) of this Act and “ the closing order ” in relation to a closed street means the closing order which applies to that street ;
- “ 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 ; 10 & 11 Geo. 6.
c. 49.
- “ the Council ” means the London County Council ;
- “ county court ” in relation to any appeal or application to the county court under this Act means the county court within the jurisdiction of which the premises or street to which the appeal or application relates are or is situated ;
- “ the inner area ” means the area which is described in Part I of the schedule to this Act and is for the better identification thereof shown on the signed map whereon the boundaries of the said area are delineated by a red verge ;
- “ London Building Acts ” means the London Building Acts 1930 to 1939 and includes any byelaws made in pursuance of those Acts ;
- “ the Minister ” means the Minister of Transport ;
- “ the outer limits ” means the area which is described in Part II of the schedule to this Act and is for the better identification thereof shown on the signed map whereon the boundaries of the said area are delineated by a blue verge ;
- “ owner ” includes a lessee and an under-lessee ;
- “ premises ” does not include a street which is described in paragraphs (a) to (c) of Part I of the schedule to this Act or in paragraphs (a) to (f) of Part II of the said schedule or in one or more of those paragraphs or any part of any such street but save as aforesaid means lands and buildings of any description and lands

together with buildings thereon and includes a part of any premises as so defined ;

“ prescribed area ” means the inner area and any additional area in respect of which an order made by the Council under section 20 (Extension of provisions to additional areas) of this Act has come into effect ;

“ prohibited premises ” means premises in respect of which a prohibition order is in force and “ the prohibited premises ” in relation to a prohibition order means the premises to which that order applies ;

“ prohibition order ” means an order made by the Council under section 3 (Prohibition orders) of this Act and “ the prohibition order ” in relation to prohibited premises means the prohibition order which applies to those premises ;

“ the signed map ” means the map of which copies have been signed in quadruplicate by the Right Honourable the Lord Belstead the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and of which one copy has been deposited at the office of the Clerk of the Parliaments one copy in the Private Bill Office of the House of Commons one copy at the County Hall Westminster Bridge and one copy at the Town Hall Woolwich ;

“ statutory undertakers ” has the same meaning as in the Act of 1947 ;

“ street ” means a street way or place over which the public have a right of passage and includes a part of a street as so defined ;

“ subsidence ” means the sinking or other movement of the surface of the ground or of the ground situated immediately beneath the foundations of any building or other works ; and

“ the Woolwich Council ” means the mayor aldermen and councillors of the borough.

(2) In the event of any difference between any area as described in the schedule to this Act and that area as shown on the signed map the signed map shall prevail.

Prohibition orders.

3.—(1) If on any representation made to the Council or any information obtained by or furnished to them it appears to the Council that—

(a) there is imminent danger of subsidence of any premises within a prescribed area or of any part of such premises ;
or

(b) by reason of subsidence of any such premises having taken place there is imminent danger of the collapse of any building comprised within the premises;

the Council may make a prohibition order in respect of the premises.

(2) A prohibition order may prohibit entirely the use and occupation of the premises to which it applies or may prohibit the use and occupation of the premises except to such extent and for such purposes and subject to such conditions as may be prescribed by the order and shall specify the date (not being less than fourteen days after the making of the order) upon which in the absence of any appeal against the order under section 14 (Appeals) of this Act the order will come into operation.

(3) Upon the making of a prohibition order the Council shall forthwith serve notice thereof upon the owner and the occupier (if any) of the premises to which the order applies and every such notice shall include notice of the right of appeal against such order given to such owner and occupier by the said section 14 and where at the date of the service of the notice the premises to which the order applies are in actual use for human habitation the notice served upon the occupier of the premises shall also include notice of the provisions of subsection (2) of the said section 14.

(4) A prohibition order shall come into operation—

(a) if no appeal is brought against the order under subsection (1) of section 14 (Appeals) of this Act on the date specified in the order as the date upon which in the absence of any such appeal the order will come into operation;

(b) if such an appeal is brought on such date as may be fixed for the purpose by the county court:

Provided that in the event of an appeal to the Court of Appeal under subsection (7) of the said section 14 the order shall not come into operation before such appeal has been dismissed or has been abandoned or if it has come into operation it shall be suspended from the date of the service upon the Council of notice of such appeal until such appeal has been dismissed or has been abandoned and if the appeal is allowed the order shall cease to have effect.

(5) A prohibition order which has come into operation shall (subject to the proviso to subsection (4) of this section) continue in force unless and until it is revoked in accordance with the provisions of this Act.

Closing orders. 4.—(1) If on any representation made to the Council or any information obtained by or furnished to them it appears to the Council that—

(a) there is imminent danger of subsidence of any street within a prescribed area or of any part of such street ;
or

(b) by reason of subsidence of any such street or of some part thereof having taken place the street is dangerous to traffic ;

the Council may make a closing order in respect of the street.

(2) A closing order may provide that the street to which it applies shall be entirely closed to traffic or shall be closed to traffic other than traffic of such class or classes as may be excepted by the order.

(3) As soon as possible after the making of a closing order the Council shall cause to be published in one or more local newspapers circulating within the borough a notice of the making and of the effect of the order and such notice shall describe the street to which the order applies and shall specify the date (being not less than one month after the date of the first publication of the notice) by which representations with respect to the order may be made by any person to the Minister.

(4) Where it is known to the Council that any apparatus belonging to any statutory undertakers has been laid down or erected in a street to which a ~~person~~ person has in respect of any such street any such right as is referred to in paragraph (c) of subsection (1) of section 7 (Effect of closing orders) of this Act the Council shall upon the publication of the notice referred to in the last foregoing subsection forthwith serve a copy of such notice upon such undertakers and upon such person :

Provided that notice under this subsection shall not be required to be served upon any person solely by reason that he has or may have the like estate or interest in the subsoil of any part of a street as the estate or interest which he holds in premises abutting upon the street.

(5) The Council shall erect at each end of the street to which a closing order applies and at each point of entry into such street from any other street abutting thereupon notices to the effect that the street is closed to traffic or is closed to traffic other than traffic of the class or classes excepted by the order (as the case may be) and shall maintain such notices so long as the order continues in force :

Provided that no such notice shall be required to be erected or maintained at the end of or at any point of entry into the street to which a closing order applies where that street abuts upon a closed street which is entirely closed to traffic.

the coming into operation of the order for the purpose of removing any articles or things belonging to that person which were left on the premises at the coming into operation of the order or of removing any building or structure or anything growing upon the premises which that person is entitled to remove or of taking away the materials of any such building or structure:

Provided that any such entry upon or use of the premises shall be made as soon as conveniently may be and within a reasonable time after the coming into operation of the order except that where the Council demolish any building or structure upon the premises under section 16 (Power to Council to execute works etc. for protection from danger etc.) of this Act entry upon the premises for the purpose of taking away the materials of such building or structure may be made within a reasonable time after such demolition.

Removal of inmates.

6.—(1) Where at any time after the coming into operation of a prohibition order the prohibited premises or any part thereof are or is being used for human habitation contrary to the provisions of the order the Council may (whether or not any proceedings are or have been taken against any person for an offence under subsection (1) of section 19 (Offences) of this Act in respect of such use) make application to a court of summary jurisdiction and the court may by order direct that any inmates of the prohibited premises or part be removed therefrom by a constable.

11 & 12 Geo. 6.
c. 29.

(2) The duty of the Council under section 21 of the National Assistance Act 1948 to provide temporary accommodation for persons who are in urgent need thereof arising in circumstances which could not reasonably have been foreseen shall include a duty to provide such accommodation for any inmate of any prohibited premises who is removed from the premises in pursuance of an order made under subsection (1) of this section.

Effect of closing orders.

7.—(1) Subject to the provisions of this section so long as a closing order in respect of any street is in force—

(a) all public rights of way over the street other than a right of user thereof by traffic of a class excepted by the order;

(b) all powers conferred on statutory undertakers by any enactment to lay down or erect any apparatus in the street; and

(c) all rights to use the surface or subsoil of the street which any person may have otherwise than as a member of the public or by virtue of such powers as aforesaid;

shall be suspended:

Provided that any such right as is referred to in the foregoing paragraph (c) shall continue to be exercisable after the

(6) A closing order shall come into operation upon the erection by the Council of the notices relating to the order which they are required by the last foregoing subsection to erect and shall unless sooner revoked by the Council continue in force for a period of six months and shall then expire unless it is continued in force for a further period by a direction of the Minister under the next following subsection.

(7) The Minister may from time to time and as often as he considers necessary on an application made to him by the Council for the purpose not later than three months before the date on which a closing order is due to expire direct that the order either as then in force or subject to any such variation therein (being a variation which the Council are empowered to make under subsection (1) of section 12 (Variation of closing orders) of this Act) as may be specified in the direction shall continue in force after the said date for such period not exceeding five years as the Minister may think fit and the order shall continue in force in accordance with any such direction but without prejudice to the power of the Council to vary or revoke the order in accordance with the provisions of this Act.

(8) The Council shall make such amendments in the notices relating to a closed street maintained by them under subsection (5) of this section (including the removal or alteration of the position of notices and the erection of new notices) as may from time to time be required by reason of the making expiration or revocation of any closing order or of any direction given by the Minister under subsection (7) of this section or of anything done under section 12 (Variation of closing orders) of this Act.

(9) Any two or more streets which merge without break may be treated as a single street for the purposes of a closing order.

5.—(1) Upon the coming into operation of a prohibition order and so long as the order continues in force no person shall enter upon or use or occupy the prohibited premises save as may be permitted by the order or authorised by or under this Act. Effect of prohibition orders.

(2) The provisions of the foregoing subsection shall have effect notwithstanding the existence of any public right of way over the prohibited premises or any part thereof and where the prohibited premises consist of or form part of an open space to which the public have a right of access by virtue of any enactment the said provisions shall apply notwithstanding any provision of such enactment.

(3) A prohibition order shall not operate to prevent the entry upon or the reasonable use of any prohibited premises by or on behalf of any person being the owner of the premises or a person who was an occupier of the premises immediately before

coming into operation of the closing order—

- (i) until the expiration of fourteen days after the first publication of the notice of the making and of the effect of the order pursuant to subsection (3) of section 4 (Closing orders) of this Act; and
- (ii) (if during the said fourteen days application is made to the Council in accordance with the provisions of subsection (2) of this section for their permission to the exercise of such right) for a further period terminating at the expiration of fourteen days after the date on which the decision of the Council on that application is notified to the applicant or in the event of an appeal to the county court against that decision under subsection (3) of section 14 (Appeals) of this Act on the date on which that appeal is determined or such later date as may be fixed for the purpose by the court.

(2) Any statutory undertakers and any person having any such right as is referred to in paragraph (c) of subsection (1) of this section may at any time make application to the Council to permit the exercise by the applicant of any power or right which is suspended by virtue of the provisions of the said subsection (1) and the Council shall as soon as conveniently may be take into consideration any such application and notify the applicant of their decision.

(3) Any such permission as aforesaid may be given by the Council either unconditionally or subject to such conditions as they may think fit to impose.

(4) The permission of the Council to the exercise by any statutory undertakers of any such power as aforesaid shall not be unreasonably withheld and shall not be given subject to unreasonable conditions and any question whether any such permission is or is not unreasonably withheld or whether any conditions subject to which any such permission is given are or are not unreasonable shall be referred to and determined by an arbitrator to be agreed upon between the Council and the undertakers or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) 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 reference and determination.

(5) Where any premises abutting upon a closed street are used or occupied and reasonable means of access to the premises are not otherwise available the persons using or occupying the premises and other persons having occasion to resort thereto shall be entitled notwithstanding anything in the foregoing provisions of this section or in the closing order to use the closed

street as a means of access to and departure from the premises subject to compliance with any directions with respect to such use of the street which may from time to time be given by the Council by means of a notice erected in the street or in any other effective manner and without prejudice to the generality of this provision any such directions may prescribe the route over the street to be followed by persons or vehicles going to or from any such premises as aforesaid and may prohibit the use of the street or such part thereof as may be specified in the directions for the purposes of traffic or any class or classes so specified (not being foot traffic or traffic of a class excepted by the closing order) without the consent in writing of the Council:

Provided that nothing in this subsection shall authorise—

- (a) the use of any closed street as a means of access to or departure from any prohibited premises in connection with any use or occupation of those premises which is contrary to the provisions of this Act; or
- (b) the removal or other interference with any fencing works or things erected executed or placed by the Council under section 16 (Power to Council to execute works etc. for protection from danger etc.) of this Act except the temporary removal of a barrier for the purpose of entering or leaving the closed street at a point permitted by or under this subsection.

Disclosure of information by Council and as to planning permissions.
15 Geo. 5.
c. 22.

8.—(1) In this section the expressions “development” “local planning authority” and “planning permission” have the same respective meanings as in the Act of 1947 and the expression “the Land Charges Act” means the Land Charges Act 1925 as amended by any subsequent enactment and includes any rules made thereunder.

(2) It shall be the duty of the Council if so requested by any person who appears to them to be interested in any premises within the inner area or within the outer limits to disclose to such person any information which is in their possession with respect to the state of the subsoil of the premises and of any adjacent premises or street and with respect to the existence and the extent and position of any underground workings or other cavities in such subsoil but the Council shall not be bound to furnish to such person copies of any plans or other documents relating to the matters aforesaid and shall not be under any liability in respect of any disclosure in good faith to any person of any such information as aforesaid or in respect of any incompleteness of or inaccuracy in any information so disclosed.

(3) Where under the Act of 1947 application is made by any person to the Council as local planning authority for permission for the development of any land within the inner area

or within the outer limits the Council shall not later than the expiration of the time within which they are required under the said Act to give notice to the applicant as to the manner in which his application has been dealt with give notice to the applicant that the land is situated within the inner area or within the outer limits (as the case may be) and where the land is situated within the outer limits and within a prescribed area they shall so inform him and they shall in any case inform him of the effect of the last foregoing subsection.

(4) (a) Where upon the receipt by the proper officer of the Council of a requisition in that behalf made under the Land Charges Act there is issued an official certificate of search made in the register of local land charges in respect of any land situated within the inner area or the outer limits there shall also be issued with that certificate a statement in writing giving the like information as is required by subsection (3) of this section to be included in a notice relating to that land given by the Council under that subsection.

(b) The Council shall make such arrangements as may be necessary to enable the local registrar to comply with the provisions of paragraph (a) of this subsection.

(c) The foregoing provisions of this subsection shall be without prejudice to any requirement of the Land Charges Act affecting the registration of prohibition orders or closing orders.

(5) A planning permission whensoever granted and whether or not granted by the Council shall not be deemed to prejudice or affect the operation of any prohibition order or any closing order and shall not prejudice or affect the exercise of any of the powers conferred by this Act with respect to the making and variation of prohibition orders and closing orders and where a planning permission is granted by the Council in respect of any prohibited premises such permission shall not unless the contrary intention is expressed be construed as a permission by the Council under this Act to any use or occupation of the premises.

9.—(1) The Council may at any time revoke a prohibition order or a closing order without prejudice to their power of making a fresh prohibition order or closing order in respect of the premises or street to which the order so revoked applied. Revocation of prohibition orders and closing orders.

(2) Upon revoking a prohibition order or a closing order in pursuance of the foregoing subsection the Council shall give notice of the revocation by advertisement in one or more local newspapers circulating within the borough and where the order revoked is a prohibition order they shall cause a copy of the notice to be affixed on some conspicuous part of the premises to which the order applied and shall take such other steps as appear to them to be practicable to bring the notice to the attention of persons having interests in the premises.

Variation of prohibition orders.

10.—(1) If in the opinion of the Council the prohibition of the use and occupation of any premises imposed by a prohibition order or any provision of any such order has at any time by reason of any change of circumstances connected with the premises become inadequate or unnecessarily onerous or otherwise unsuitable the prohibition order may be varied by an order made under this subsection by the Council in the like manner and subject to the like requirements as in the case of the making of a prohibition order and the provisions of this Act with respect to the coming into operation of and appeals against prohibition orders shall apply in relation to any order made under this section as if such order were a prohibition order.

(2) The Council may subject to such conditions as they may think fit permit any temporary use or occupation of any prohibited premises which is not permitted by the prohibition order and any such permission shall to the extent to which and in relation to the persons to whom it applies be deemed to be a variation of the order but shall not be deemed to authorise the use or occupation of the premises by any person who would not be entitled to use or occupy them if the prohibition order were not in force.

Further provisions as to revocation and variation of prohibition orders.

11.—(1) Any person having an estate or interest in any prohibited premises may make application to the Council requesting them to revoke or vary the prohibition order upon the ground that since the date on which the prohibition order came into operation—

- (a) subsidence of the premises has taken place or any building comprised within the premises has collapsed ;
or
- (b) any such building has been demolished or made safe or any other works have been executed in upon or under the prohibited premises or any adjacent premises or street ;

and in consequence thereof danger of subsidence of the prohibited premises or of the collapse of any building comprised therein no longer exists or is no longer imminent or has decreased and that by reason thereof the order ought to be revoked or the restrictions on the use and occupation of the premises imposed by the order ought to be modified.

(2) The Council shall within two months of the receipt by them of any such application notify the applicant in writing whether or not they intend to comply with the application and of the terms of any variation which they propose to make in the order and where they notify the applicant that they intend to revoke the order they shall revoke the order and where they notify the applicant that they intend to vary the order they shall

vary the order in the terms notified to the applicant unless within twenty-one days after the receipt by him of the notification the applicant gives notice in writing to the Council that the proposed variation is not acceptable to him.

(3) Any person may at any time while a prohibition order is in force submit to the Council proposals for the carrying out of works for the purpose of removing or decreasing any danger attendant upon the use and occupation of the prohibited premises with the object of enabling the Council to revoke or vary the order and where it appears to the Council—

- (a) that regard being had to the possible effect of the carrying out of the proposals upon any other premises or any street it would be reasonable to permit the carrying out of the proposals and that the proposals are practicable and will if carried out result in removing or decreasing any such danger as aforesaid to such an extent as to justify the revocation or variation of the order ; and
- (b) that the applicant has or is able to secure such an estate or interest in the premises and in any other lands necessary to be used or occupied for the purpose as would entitle him to carry out the proposals if the prohibition order were not in force ;

the Council may agree with the applicant that upon the condition that the proposals are carried out to their reasonable satisfaction and any other conditions which may be provided by the agreement they will revoke the order or will vary the order in the manner provided by the agreement (as the case may be) and when the conditions of the agreement have been fulfilled they shall revoke or vary the order accordingly.

(4) The use or occupation of any premises contrary to the provisions of a prohibition order or the use of any street contrary to the provisions of a closing order shall be deemed not to be an infringement of the prohibition order or the closing order (as the case may be) if such use or occupation is for the purpose of the carrying out of proposals the subject of an agreement under the last foregoing subsection and is in accordance with that agreement.

12.—(1) If at any time while a closing order is in force it appears to the Council that traffic of a class not excepted by the order may safely be permitted to use the closed street or any part thereof or that any part of such street may safely be excluded from the operation of the order the Council may vary the order so as to permit the use of the street or part by traffic of that class or so as to exclude from the operation of the order such part of the street as they consider may safely be so excluded (as the case may be).

Variation of closing orders.

(2) If it appears to the Council that the use of a closed street by traffic of a class excepted by the closing order can no longer safely be permitted by reason of subsidence or further subsidence of the street or of some part thereof having taken place since the date on which the order came into operation or by reason of the danger of such subsidence having increased since that date the Council may vary the order so as to prohibit the use of the street by traffic of that class:

Provided that the Council shall forthwith give notice to the Minister of any variation of a closing order made by them under this subsection and furnish him with any information relative thereto which he may require and if the Minister notifies the Council that he disapproves of the variation of the order such variation shall cease to have effect.

Restrictions
on power of
Council to
make etc.
closing orders.

13.—(1) Except in any case of emergency where it is in the opinion of the Council necessary immediately to make a closing order or to vary a closing order for the purpose of prohibiting the use of the closed street by traffic of a class excepted by the order the Council shall not make vary or revoke a closing order without first consulting the Woolwich Council but a closing order and a variation of a closing order shall not be invalid by reason only that the Woolwich Council were not consulted in compliance with this subsection.

(2) Where an application in respect of a closing order has been made by the Council to the Minister under subsection (7) of section 4 (Closing orders) of this Act and the Minister has directed that the order shall continue in force subject to a variation therein the Council shall not except with the approval of the Minister further vary the order save as provided in subsection (1) of section 12 (Variation of closing orders) of this Act and if at any time they revoke the order they shall not except with the approval of the Minister subsequently make a closing order in respect of the street to which the order so revoked applied or in respect of a street which includes the whole or any part of the street to which such order applied.

(3) Where on any such application being made to him as aforesaid the Minister has refused to direct that the closing order to which the application relates shall continue in force the Council shall not after the order has expired except with the approval of the Minister make any closing order in respect of the street to which the order applied or in respect of a street which includes the whole or any part of the street to which the order applied.

Appeals.

14.—(1) Any owner and any occupier of premises in respect of which a prohibition order is made who is aggrieved by the order or by any provisions thereof may within fourteen days after the date of the service upon him of notice of the order as

required by subsection (3) of section 3 (Prohibition orders) of this Act appeal to the county court and the court may on any such appeal confirm or annul the order or may confirm the order with modifications and may by such modifications prescribe any matter or thing which could have been prescribed by the order on the making thereof.

(2) The court shall on confirming a prohibition order (whether with or without modifications) fix the date on which (subject to any appeal from the decision of the court under subsection (7) of this section) the order shall come into operation but where the order prohibits the occupation of premises which at the time of the confirmation are in actual use for human habitation the date so fixed shall not be earlier than the date upon which the court is satisfied that reasonable alternative living accommodation is or will be made available to the occupier and other inmates of the premises and the court may make the coming into operation of the order conditional upon such alternative accommodation being so made available either by the Council or by the Woolwich Council.

(3) Any person having any such right as is referred to in paragraph (c) of subsection (1) of section 7 (Effect of closing orders) of this Act who is aggrieved by the refusal of the Council of permission to exercise such right for which application is made to them under subsection (2) of the said section 7 or by any conditions subject to which permission to exercise such right is given by the Council may within fourteen days after the receipt by him of the notification of the decision of the Council under the last-mentioned subsection appeal to the county court and the court may confirm reverse or vary the decision of the Council.

(4) Any person having an estate or interest in any prohibited premises who is aggrieved by the refusal of the Council to revoke or vary the prohibition order on an application made to them by him under subsection (1) of section 11 (Further provisions as to revocation and variation of prohibition orders) of this Act or by the terms of any variation proposed to be made by the Council in the order as notified to him by the Council under subsection (2) of the said section may within twenty-one days after the receipt by him of the notification given under that subsection appeal to the county court and the court may confirm any such refusal or (if it is satisfied that the ground upon which the application was made is substantiated) may revoke the order or may vary the order either in the terms proposed by the Council or in such other terms as it may think fit.

(5) Any person who having submitted to the Council proposals under subsection (3) of the said section 11 is aggrieved by anything done or omitted to be done by the Council in connection with such proposals may at any time appeal to the county

court and the court may make such order in the matter as appears to the court reasonable and proper in the circumstances and where the appeal is against the refusal or neglect of the Council to revoke or vary a prohibition order in accordance with the terms of an agreement under the said subsection and the court is satisfied that the conditions of the agreement have been reasonably complied with the court may revoke or vary the order in accordance with the agreement.

24 & 25 Geo. 5. c. 33. (6) An appeal to the county court under this section shall notwithstanding anything in the County Courts Act 1934 be tried by the county court judge without a jury.

(7) An appeal shall lie on any point of law from a decision of the county court judge under this section in accordance with rules of court to the Court of Appeal but save as aforesaid a decision of the county court judge under this section shall be final.

Power to court to determine or vary leases etc.

15.—(1) Where any prohibited premises or any part thereof or any such premises or part together with any other premises form or forms the subject-matter of a lease either the lessor or the lessee may apply to the county court for an order under this section.

(2) Upon any such application the county court judge after giving to any sub-lessee an opportunity of being heard may if he thinks fit make an order for the determination of the lease or for the variation thereof and in either case either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation damages or otherwise) as he may think just and equitable to impose regard being had to the respective rights obligations and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section the expression "lease" includes an under-lease and any tenancy or agreement for a lease under-lease or tenancy and the expressions "lessor" "lessee" and "sub-lessee" shall be construed accordingly and as including also a person deriving title under a lessor lessee or sub-lessee.

Power to Council to execute works etc. for protection from danger etc.

16.—(1) The Council may in upon or under—

- (a) any prohibited premises ;
- (b) any closed street ;
- (c) any street abutting upon any prohibited premises or any closed street ; and
- (d) (with the consent of the owner and occupier thereof) any premises other than prohibited premises ;

erect such fencing and execute and do all such other works and things as may appear to them to be necessary or expedient for

preventing any access to or any user of any prohibited premises or any closed street which would be contrary to the provisions of any prohibition order or any closing order or for the protection of the public or any persons from danger arising in connection with any prohibited premises or any closed street or for preserving means of access to any premises abutting upon any closed street or for providing alternative means of access to any premises the access to which is obstructed or otherwise interfered with by subsidence of any street or by the operation of a closing order or by the exercise of any of the powers conferred by this section.

(2) Where any building or other structure upon any prohibited premises is in the opinion of the Council dangerous to persons who may enter the premises or to persons using or occupying any adjoining premises or to the public the Council may demolish the building or structure or such part thereof as they may consider necessary and may execute and do in upon or under the prohibited premises all such other works and things as they may consider necessary to remove any such danger as aforesaid:

Provided that—

- (i) the Council shall not in pursuance of the powers conferred by this subsection demolish any building or structure other than a building or structure the use and occupation of which is entirely prohibited by a prohibition order;
- (ii) except in case of emergency (of which the Council shall be the sole judge) the Council shall before commencing to demolish any building or structure or part thereof in pursuance of the powers conferred by this subsection give not less than seven days' notice in writing of their intention to the owner of the building or structure and if within the said seven days the owner notifies the Council in writing that he objects to the proposed demolition the Council shall not carry out their intention unless the owner withdraws his objection.

(3) Subject to the terms of any such consent as is referred to in paragraph (d) of subsection (1) of this section the Council may maintain any fencing or other works or things erected or executed or done under the powers conferred by that subsection so long as the prohibition order or the closing order by reason of which such powers were exercised continues in force and may remove any such fencing or other works or things which are in their opinion no longer necessary.

(4) The Council and all persons authorised by them in that behalf may at any time enter upon any prohibited premises for the purpose of the exercise by the Council of any of the powers conferred by the foregoing provisions of this section or for the

purpose of ascertaining whether any conditions exist in or in connection with the premises which would make the exercise of such powers expedient.

(5) Where under the powers conferred by this section fencing is erected in any street for the purpose of preventing access to a closed street or for the protection of the public from danger arising in connection with any prohibited premises or any closed street such fencing shall be removed by the Council upon the expiration or revocation of the closing order or upon the revocation of the prohibition order (as the case may be).

(6) Save as provided in subsection (5) of this section nothing in this section and no exercise by the Council of any of the powers conferred by this section shall be deemed to impose upon the Council any obligation to exercise or to continue to exercise any such powers but this provision shall be without prejudice to the terms of any such consent as aforesaid.

Investigations
by Council.

17.—(1) The Council may at any place within the inner area or within the outer limits either alone or jointly with any other persons carry out investigations into the state of the subsoil and the nature and position of any underground workings or other cavities therein for the purpose of ascertaining whether any conditions exist which would make it expedient for the Council to make a prohibition order in respect of any premises or a closing order in respect of any street or an order under section 20 (Extension of provisions to additional areas) of this Act and may contribute towards the cost of the carrying out within the said areas by any other persons of any such investigation as aforesaid.

(2) For the purpose of any such investigations the Council—

- (a) may enter and survey and examine any underground workings or other cavities existing in the subsoil ; and
- (b) shall have the like powers of executing works and (subject to the provisions of subsection (3) of this section) shall in respect of any damage to property occasioned by such works be subject to the like liability for the payment of compensation which shall be determined and recovered in the like manner as if the works were works executed for the purpose of constructing a sewer under the powers conferred by the Public Health (London) Act 1936.

26 Geo. 5. &
1 Edw. 8. c. 50.

(3) Where compensation is claimed from the Council for damage to property resulting from the execution of works under the powers conferred by paragraph (b) of subsection (2) of this section and the claim is or includes a claim for damage due to subsidence and it appears to the tribunal to whom any question of disputed compensation is referred under the said paragraph

that notwithstanding that the subsidence was occasioned by the execution of the works the existence of underground workings or other cavities in the subsoil (not being workings or cavities resulting from any operations carried out by the Council) was the main cause or a substantial contributory cause of the subsidence the tribunal shall make such abatement in the amount of the compensation which it would otherwise have awarded as appears to it to be equitable in the circumstances of the case but no such abatement shall be made unless the tribunal is satisfied—

- (a) that having regard to any information with respect to the state of the subsoil and the nature and position of any underground workings or other cavities therein which was in the possession of the Council or could reasonably have been obtained by them otherwise than by the execution of the works in respect of which the claim for compensation arises the execution of the works and the place selected for that purpose were both reasonable ; and
- (b) that from the time when the works were commenced until the time when the subsidence occurred all reasonable precautions to avoid subsidence resulting from the works were taken by the Council.

18. In addition to any other powers of entering premises conferred by this Act any person duly authorised by the Council in writing and (if so required) producing his authorisation shall have the following powers (that is to say) any such person may—

Further powers of entry into premises.

- (a) at any time enter any prohibited premises the use and occupation of which are entirely prohibited by the prohibition order for the purpose of inspecting the premises and of ascertaining whether or not they are being used or occupied ;
- (b) at all reasonable hours enter any prohibited premises not being premises the use and occupation of which are entirely prohibited by the prohibition order for the purpose of inspecting the premises and of ascertaining whether or not the provisions of the prohibition order are being complied with ;
- (c) at all reasonable hours enter any premises (not being prohibited premises) within the inner area or the outer limits for the purpose of inspecting the premises with the view of ascertaining whether any subsidence of the premises is taking place :

Provided that where any such premises as are referred to in the foregoing paragraph (c) are occupied admission to the premises under that paragraph shall not be demanded as of right unless twenty-four hours notice of the intended entry has been given to the occupier.

Offences.

19.—(1) Any person who except as authorised or permitted by or under this Act—

- (a) without reasonable excuse enters upon any prohibited premises the use and occupation of which are entirely prohibited by the prohibition order; or
- (b) uses or occupies or attempts to use or occupy or causes or permits to be used or occupied any prohibited premises otherwise than in accordance with any prescriptions of the prohibition order; or
- (c) lets or attempts to let any prohibited premises for use or occupation for a purpose or in a manner not in accordance with the prohibition order or any prescriptions thereof;

shall be guilty of an offence:

Provided that where a prohibition order has come into operation under paragraph (a) of subsection (4) of section 3 (Prohibition orders) of this Act and the prohibited premises are a dwelling-house a person who was immediately before the date of the coming into operation of the order residing in the premises and continued to reside therein after that date shall not be guilty of an offence solely by reason of his continuing so to reside unless the court before which proceedings for an offence are taken is satisfied that an offer of reasonable alternative living accommodation has been made to that person and that he has either refused that offer or has failed to accept it within a reasonable time after it was made.

(2) Any person who except as authorised or permitted by or under this Act—

- (a) uses or attempts to use or causes to be used for the purposes of traffic or enters any closed street being a street which is entirely closed to traffic; or
- (b) uses or attempts to use or causes to be used any closed street (not being a street which is entirely closed to traffic) for the purposes of traffic other than traffic of a class excepted by the closing order; or
- (c) without first obtaining the permission which is required by this Act for the purpose breaks open the surface or makes any excavation in the subsoil of any closed street; or
- (d) without first obtaining such permission as aforesaid exercises or attempts to exercise in any closed street any such right to use the surface of the street as is referred to in paragraph (c) of subsection (1) of section 7 (Effect of closing orders) of this Act;

shall be guilty of an offence:

Provided that it shall be a good defence to any proceedings under paragraph (a) or paragraph (b) of this subsection that the

person charged was not aware that the street was a closed street and that at the time of the alleged offence there was not in or near to the street any or any sufficient notice or fencing to indicate that the street was closed to traffic or closed to traffic of the class to which the charge relates (as the case may be).

(3) Any person who—

- (a) (except as otherwise provided by this Act) wilfully removes or otherwise interferes with any fencing works or things erected executed or placed by the Council under section 16 (Power to Council to execute works etc. for protection from danger etc.) of this Act; or
- (b) refuses to admit to any premises any person who is duly authorised by or under this Act to enter those premises or obstructs any such person in the doing of any thing for the purpose of which he was so authorised to enter;

shall be guilty of an offence.

(4) Without prejudice to any other remedy where the Council sustain damage by reason of the commission of an offence under paragraph (a) of the last foregoing subsection and the amount of the damage does not exceed twenty pounds whether or not proceedings in respect of the offence are taken under that subsection the amount may be recovered by the Council summarily as a civil debt.

(5) Every person guilty of an offence under this section shall be liable on summary conviction—

- (a) in the case of a first offence to a penalty not exceeding five pounds;
- (b) in the case of a second or subsequent conviction for the like offence to a penalty not exceeding ten pounds; and
- (c) in the case of an offence which is continued after conviction therefor to a further penalty of five pounds in respect of every day on which the offence is so continued.

20.—(1) Subject to the provisions of this section if from any information furnished to the Council or obtained by them as a result of any investigations carried out by them under section 17 (Investigations by Council) of this Act or otherwise it appears to the Council that by reason of the state of the subsoil in or in the neighbourhood of any additional area and the existence of underground workings or other cavities in such subsoil there is imminent danger or serious apprehension of danger owing to the prospect of subsidence of the premises or streets or both

Extension of provisions to additional areas.

the premises and streets comprised within the additional area or within a substantial part thereof the Council after consultation with the Woolwich Council may make an order applying to that area such of the provisions of this Act as may be applicable and do not already apply thereto but any such order shall not have effect unless and until it is confirmed by the Minister.

(2) Without prejudice to the generality of the provisions of the foregoing subsection there may be included in the area in respect of which an order under that subsection is made any premises and any street the stability of which would in the opinion of the Council be endangered in the event of subsidence taking place elsewhere than in those premises or that street and either within the area in respect of which the order is made or in any prescribed area.

(3) An order under subsection (1) of this section shall define by reference to a map the area in respect of which it is made and a copy of the order and map together with a copy of this Act shall be deposited at the County Hall Westminster Bridge and at the Town Hall Woolwich and shall be available for inspection by any person interested at all reasonable hours without charge.

(4) Before submitting the order to the Minister for confirmation the Council shall—

(a) cause to be published in two successive weeks in one or more local newspapers circulating within the borough; and

(b) serve upon every owner and occupier of premises within the area in respect of which the order is made and (where that area consists of or includes any street) upon every owner and occupier of premises abutting upon that street not being premises within the area;

a notice describing the area and stating that the order has been made and is about to be submitted for confirmation and that copies of the order and of the map referred to therein and of this Act have been deposited and are available for inspection as aforesaid and specifying the time (not being less than twenty-one days in the case of a notice published as aforesaid from the date of the first publication of the notice and in the case of a notice served upon an owner or occupier as aforesaid from the date of such service) within which objections to the order can be made to the Minister.

(5) (a) If no objection is duly made as aforesaid or if all objections so made are withdrawn the Minister upon being satisfied that the notices required by the last foregoing subsection have been published and served may if he thinks fit confirm the

order either as made or with such modification (being a modification of the area to which the order applies by the exclusion from such area of any part thereof but not otherwise) as he may think fit.

(b) If any objection duly made as aforesaid is not withdrawn the Minister shall before confirming the order cause a public local inquiry to be held and after considering the objection and the report of the person who held the inquiry may confirm the order with or without any such modification as aforesaid.

(c) Notwithstanding anything in the foregoing provisions of this subsection the Minister may require any person who has made an objection to state in writing the grounds thereof and may disregard the objection for the purposes of this subsection if he is satisfied that the person would not (otherwise than as a member of the public entitled to use a street) be affected by anything which might be done under the provisions of this Act as proposed to be applied by the order.

(6) As soon as may be after the order has been confirmed—

(a) a copy of the order as confirmed and of the map referred to therein together with a copy of this Act shall be deposited at the County Hall Westminster Bridge and at the Town Hall Woolwich and shall be available for inspection by any person interested at all reasonable hours without charge; and

(b) the Council shall cause to be published in one or more local newspapers circulating within the borough a notice describing the area to which the order as confirmed applies and stating that copies of the order and map and of this Act have been deposited and are available for inspection as aforesaid and shall serve a copy of the notice upon every owner and occupier upon whom a notice of the making of the order was required to be served under subsection (4) of this section.

(7) The order shall come into effect upon the first publication of the notice referred to in the last foregoing subsection and shall not be questioned in any legal proceedings except on the ground that the area to which the order applies is not an additional area.

21. The making variation or revocation of any order by the Council under the powers of this Act and the taking of any steps by the Council with a view to the enforcement of any such order and the granting by the Council of any permission or the giving by them of any consent or the making by them of any agreement which they are authorised by this Act to grant give or make and the omission of the Council to do any such act or thing as aforesaid which they are empowered by this

Acts and omissions of Council not to imply warranty of safety of premises etc.

Act to do shall not constitute or imply any warranty or assurance by the Council that any premises or street are or is free from danger or may safely be used or occupied in any manner or to any extent or for any purpose.

As to payment of allowances in certain cases.

22.—(1) The Council may if they think fit pay to any person displaced from prohibited premises by reason of the coming into operation of the prohibition order such allowance as they may determine to be in all the circumstances of the case reasonable towards any loss or expense sustained by him or which in their opinion he will sustain in or in consequence of his removal to other premises.

(2) Where after the passing of this Act a person removes from premises in respect of which a prohibition order subsequently comes into operation (whether or not such order was made before the date of such removal) and the Council is satisfied that the removal was immediately necessary by reason of the existence of the imminent danger which was the cause of the making of the order the Council may if they think fit pay the like allowance to that person as if he had been displaced from the prohibited premises by reason of the coming into operation of the prohibition order.

(3) If it appears to the Council that the owner of any prohibited premises who was the owner of those premises at the passing of this Act has sustained or is likely to sustain loss which is or will be solely attributable to the operation of the prohibition order and such owner is not a person to whom a payment can be made under subsection (1) or subsection (2) of this section the Council may if they think fit upon an application being made to them for the purpose by such owner within a reasonable time after the coming into operation of the prohibition order pay to him such sum as they may determine to be in all the circumstances of the case reasonable as an allowance towards any such loss as aforesaid.

Power to Woolwich Council to make contributions.

23. The Woolwich Council may make such contributions as may from time to time be agreed between them and the Council towards any expenses incurred by the Council in the execution of the provisions of this Act.

For protection of Postmaster-General.

41 & 42 Vict. c. 76.

24. Nothing in this Act shall prejudice or affect the right of the Postmaster-General during the continuance in force of any closing order to maintain inspect repair or remove any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General which immediately before the coming into operation of such closing order was in under upon along over or across any street or part of a street to which the order applies or to enter upon or break open any closed street for the purpose of such maintenance inspection repair or removal.

25.—(1) In this section—For protection
of British
Transport
Commission.

“the protected premises” means so much as is for the time being owned by the commission of the following premises described in the schedule to this Act (namely):—

In Part I (The inner area)—

“(ii) A piece of vacant land situated on the north-eastern side of Alliance Road and adjoining No. 27 Alliance Road”;

In Part II (The outer limits)—

“ (v) Public service vehicle garage offices and adjoining land of the commission abutting upon King’s Highway and Wickham Lane ”;

and includes any part of the protected premises as so defined.

(2) The Council shall not without the previous consent in writing of the commission—

- (a) make a prohibition order in respect of the protected premises; or
- (b) make a closing order in respect of any part of King’s Highway; or
- (c) in the exercise of the powers conferred by this Act enter upon the protected premises or execute any works which may prevent or interfere with the user of the protected premises or the access thereto from King’s Highway or Wickham Lane:

Provided that the consent of the commission shall not be required to—

- (i) the execution by the Council under the powers conferred by section 16 (Power to Council to execute works etc. for protection from danger etc.) of this Act of any works for preventing access to or any user of or for the protection of the public from danger arising in connection with any part of King’s Highway which is for the time being entirely closed to traffic under a closing order; or
- (ii) any exercise by the Council of the powers conferred by paragraph (a) of subsection (2) of section 17 (Investigations by Council) of this Act.

(3) In giving any consent for the purposes of paragraph (c) of subsection (2) of this section the commission may impose reasonable conditions as to the manner in which and the times at which any powers to which the consent relates may be exercised.

(4) (a) A consent of the commission under this section shall not be unreasonably withheld and any question whether any such consent is unreasonably withheld or as to the reasonableness of any conditions imposed by the commission under subsection (3) of this section shall be determined by the Minister.

(b) Where the Minister determines that a consent for the purposes of paragraph (a) or paragraph (b) of subsection (2) of this section is unreasonably withheld such consent shall be deemed to have been given by the commission upon such conditions if any as the Minister may determine but in the case of a consent for the purposes of the said paragraph (a) without prejudice to the right of the commission to appeal against any prohibition order made in pursuance of such consent.

For protection
of certain
statutory
undertakers.

26.—(1) In this section—

“the undertakers” means each of the following bodies (that is to say) the Metropolitan Water Board the London Electricity Board and the South Eastern Gas Board ;

“apparatus” means pipes cables plant apparatus and fittings of whatever description (including in relation to the London Electricity Board any electric lines and works as respectively defined in the Electric Lighting Act 1882) belonging to the undertakers or lawfully laid down by them or their predecessors ;

“enactment” means any enactment whether public general or local and includes any order or other instrument having effect by virtue of an enactment ;

“supply” means a supply of water electricity or gas (as the case may be) ; and

“the appropriate Minister” in relation to a supply of water means the Minister of Health and in relation to a supply of electricity or gas means the Minister of Fuel and Power.

(2) The following provisions of this subsection shall have effect notwithstanding anything contained in any enactment or in any agreement made between the undertakers or their predecessors and any other person :—

(a) The undertakers shall not be under any obligation to afford or to continue to afford a supply to any prohibited premises the use and occupation of which are entirely prohibited by the prohibition order or to the owner or occupier of any such premises ;

(b) Where any apparatus situated in under over along or across any closed street has sustained damage due to subsidence or movement of the subsoil or the engineer of the undertakers certifies in writing that the maintenance of any apparatus so situated or of any supply

45 & 46 Vict.
c. 56.

therein or furnished thereby involves undue risk by reason of the likelihood of such damage the undertakers shall be entitled to remove the apparatus or to cut off the supply thereto and shall not be under any obligation to afford or to continue to afford any supply by means thereof or to maintain or to continue to maintain any supply therein ;

- (c) (i) Where as a result of the coming into operation of any order under this Act being a prohibition order or a closing order the supply to most of the premises or persons supplied by means of any apparatus immediately before the coming into operation of the order has been discontinued and it appears to the undertakers that the maintenance of that apparatus is no longer justified having regard to the number of the premises or persons to which or to whom a supply is still furnished by means of the apparatus the terms upon which those premises or persons are supplied and the expenditure required to maintain the apparatus the undertakers may serve upon each of the persons to whom or to whose premises a supply is still furnished as aforesaid notice that they propose to discontinue supply at the expiration of such period not being less than six months after the service of the notice as may be specified in the notice ;

(ii) Every such notice shall include a statement of the effect of the following sub-paragraphs (iii) to (vii) of this paragraph and the undertakers shall at the same time, as they serve the notice send copies thereof to the appropriate Minister the Council and the Woolwich Council ;

(iii) The undertakers and any person upon whom notice has been served as aforesaid may agree to the continuance of a supply after the expiration of the period specified in the notice upon any terms and conditions which may be provided by the agreement and the undertakers may continue the supply in accordance with any such agreement ;

(iv) The Council the Woolwich Council and any person upon whom a notice has been served may not later than the expiration of three months after the service of the notice make representations to the appropriate Minister with respect to the notice or (in the case of any such person) with respect to any terms and conditions upon which it may have been proposed that an agreement should be entered into as aforesaid ;

(v) If no such representations are duly made the undertakers shall at the expiration of the period specified in the notice be entitled (subject to the provisions of any such agreement as aforesaid) to discontinue the supply ;

(vi) The appropriate Minister shall take into consideration any representations duly made to him and not later than the expiration of five months after the service of the notice shall notify the persons by whom the representations were made and the undertakers of his determination ;

(vii) The appropriate Minister may by his determination disapprove of the proposed discontinuance of supply (in which case the undertakers shall not discontinue supply in pursuance of the notice but without prejudice to their right to serve a further notice in the event of any change of circumstances) or he may approve of such discontinuance and may specify the date (not being earlier than the expiration of the period specified in the notice) upon which or the event upon the happening of which the approval shall become effective and when any such approval has become effective the undertakers shall be entitled to discontinue supply ;

(viii) Where the undertakers are entitled by virtue of this paragraph to discontinue supply to any premises or persons by means of any apparatus they shall not be under any obligation (other than an obligation imposed by an agreement made under sub-paragraph (iii) of this paragraph) to afford any supply to any premises or person by means of that apparatus or to maintain or continue to maintain any supply therein ;

(d) For the purpose of any enactment empowering the undertakers to enter any premises and remove any apparatus any premises in respect of which they are relieved by the foregoing provisions of this subsection of their obligation to continue to afford a supply shall be deemed to be premises in respect of which a supply is no longer required.

(3) Subsection (2) of section 8 (Disclosure of information by Council and as to planning permissions) of this Act shall extend so as to entitle the undertakers to require disclosure to them by the Council of any such information as is therein referred to and the provisions of that subsection shall apply accordingly with the necessary modifications.

(4) (a) The Council shall forthwith upon the making variation or revocation of any prohibition order or any closing

order or upon the giving or refusal of a direction of the Minister under subsection (7) of section 4 (Closing orders) of this Act give notice in writing thereof and of the effect thereof to the undertakers and shall if so required by the undertakers furnish to the undertakers a copy of the order or other instrument or the direction to which any such notice relates ;

(b) Where the Council propose to carry out under section 17 (Investigations by Council) of this Act whether alone or jointly with any other person any investigation which is likely to affect any apparatus they shall serve notice in writing thereof on the undertakers not less than seven days before they begin to carry out the investigation (except in case of emergency when as long notice as possible shall be given) and such notice shall state—

- (i) the date on which it is proposed to begin the investigation ;
- (ii) the place at and the area within which it is proposed to carry out the investigation ; and
- (iii) the nature and extent of the investigation and of any works proposed to be carried out for the purposes thereof.

(c) The Council shall at the same time as they publish the first notice under paragraph (a) of subsection (4) of section 20 (Extension of provisions to additional areas) of this Act or under paragraph (b) of subsection (6) of the said section send a copy of such notice to the undertakers.

(5) Nothing in this Act or in any order made thereunder shall—

- (a) restrict the right of the undertakers to continue to use any apparatus lawfully laid down or erected in under over along or across any closed street or to enter upon or break open any closed street for the purpose of inspecting repairing renewing replacing or removing any such apparatus ; or
- (b) prevent the exercise by the undertakers of their rights under any enactment to enter upon any premises for the purpose of carrying out any inspection or work.

(6) (a) Nothing in this Act shall authorise the Council without the consent of the undertakers (which shall not be unreasonably withheld) to construct any work or do any act or thing which would injure or endanger or impede the access to any apparatus :

Provided that the consent of the undertakers shall not be required to the erection by the Council of any fencing or the execution or doing of any other work or thing under subsection (1) of section 16 (Power to Council to execute works etc. for protection from danger etc.) of this Act solely for the purpose of preventing access to any prohibited premises or any closed street ;

(b) Any difference which may arise between the Council and the undertakers under this subsection shall be determined by a single arbitrator to be agreed upon between the Council and the undertakers or in default of agreement to be appointed on the application of either party (after notice in writing to the other of them) 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.

Inquiries by
Minister.

27. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred on him by this Act and section 189 of the London Government Act 1939 shall apply in relation to any such inquiry as if that section were re-enacted in this Act with any necessary modifications.

Saving for
rights of
owners etc.

28. Save as expressly provided by this Act nothing in this Act or done thereunder shall derogate from any estate right or interest of any person in or in relation to any prohibited premises or in or in relation to any closed street.

As to
application
of London
Building Acts.

29.—(1) Where it is made known or represented to the Council that any structure within a prescribed area is in a dangerous state the Council shall not be bound to take in relation to that structure any of the steps which they are required by Part VII (Dangerous and neglected structures) of the Act of 1939 to take in relation thereto if the structure is comprised within prohibited premises or premises in respect of which the Council have made or are about to make a prohibition order but save as aforesaid nothing in this Act or done thereunder shall derogate from any of the provisions of the London Building Acts.

(2) Subsection (5) of section 8 (Disclosure of information by Council and as to planning permissions) of this Act shall have effect as if the references therein to a planning permission included references to any consent sanction licence approval permission or allowance granted under the London Building Acts and for the purposes of this provision any modification waiver dispensation or relaxation of or exemption from any requirement of the London Building Acts made given or permitted in pursuance of the said Acts shall be deemed to be a consent granted under those Acts.

As to powers
etc. of
Woolwich
Council as
highway
authority etc.
18 & 19 Vict.
c. 120.

30.—(1) The powers and duties of the Woolwich Council under the Metropolis Management Act 1855 with respect to the lighting of streets within the borough shall include the power and duty of lighting in such manner as may be agreed between them and the Council or in default of such agreement determined by the Minister to be reasonably necessary any notices

erected by the Council under subsection (5) of section 4 (Closing orders) of this Act and any fencing or works or things erected or executed or placed by the Council in or near any street under subsection (1) of section 16 (Power to Council to execute works etc. for protection from danger etc.) of this Act:

Provided that nothing in this subsection shall require the Woolwich Council to light any works during the progress thereof.

(2) Subject as aforesaid nothing in this Act shall derogate from or affect any of the rights or powers of the Woolwich Council—

- (a) as highway authority in relation to any street whether or not such street is a closed street; or
- (b) in relation to any sewer vested in them.

31. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being disqualified. Judges not liable to any rate.

SCHEDULE

PART I

THE INNER AREA

An area within the borough comprising the streets and premises hereinafter mentioned and contained within the line of boundary hereinafter described.

The streets hereinbefore referred to are—

- (a) So much of Alliance Road as extends from Southland Road to a line drawn across Alliance Road in continuation of the south-eastern boundary of Verdun Road (except so much of the street as lies to the northward of the line next hereinafter described) ;
- (b) So much of Southland Road as lies between a line drawn from the south-western corner of the premises known as Nos. 3 and 3A Alliance Road to and at right angles to the western boundary of Southland Road and a line drawn from the south-western corner of the premises known as Nos. 2 and 2A Alliance Road to and at right angles to the said western boundary ;
- (c) So much of Verdun Road as extends from Alliance Road to a line drawn across Verdun Road from the northern corner of the premises known as No. 47 Alliance Road to the southern corner of the premises known as No. 16 Verdun Road.

The premises hereinbefore referred to are—

- (i) The premises known as Nos. 2 and 2A to 24 and 24A (even) Nos. 26 to 40 (even) Nos. 3 and 3A to 25 and 25A (odd) and Nos. 27 to 45 (odd) Alliance Road ;
- (ii) A piece of vacant land situated on the north-eastern side of Alliance Road and adjoining No. 27 Alliance Road ;
- (iii) Ways at the rear or alongside certain of the premises mentioned in the foregoing paragraphs (i) and (ii).

The line of boundary hereinbefore referred to commences at a point situated in the western boundary of Southland Road at a distance of twenty-six yards or thereabouts from the centre of King's Highway and runs in an easterly direction along the line first described in paragraph (b) of this Part of this schedule until it reaches the western corner of the premises known as Nos. 3 and 3A Alliance Road thence follows the north-westerly and north-easterly boundaries of those premises and the north-easterly boundaries of the premises known as Nos. 5 and 5A to 25 and 25A (odd) and No. 27 Alliance Road until it reaches the eastern corner of the premises known as No. 27 Alliance Road thence runs in a southerly and south-westerly direction for a distance of ten yards or thereabouts along the boundary of the last-mentioned premises then turns and runs in a south-easterly direction in a straight line to the point where the north-westerly boundary of the way alongside the premises known

as No. 29 Alliance Road meets the north-easterly boundary of the way at the rear of those premises and of the premises known as Nos. 31 to 45 (odd) Alliance Road thence continues in a south-easterly direction along the last-mentioned boundary until it reaches Verdun Road then crosses that street by the line described in paragraph (c) of this Part of this schedule and after reaching the south-easterly boundary of the said street turns and runs in a south-westerly direction along the last-mentioned boundary and continues in a straight line until it reaches the south-westerly boundary of Alliance Road thence runs along that boundary in a north-westerly direction for a distance of five yards or thereabouts to the eastern corner of the premises known as No. 40 Alliance Road thence follows the south-easterly and south-westerly boundaries of the last-mentioned premises then continues in a north-westerly direction along the boundaries of the premises situated on the south-western side of Alliance Road (except that where there is a way at the rear of any of the said premises it runs along the south-western boundary of the said way) until it reaches Southland Road which it crosses by the line secondly described in paragraph (b) of this Part of this schedule and after reaching the western boundary of the last-mentioned street turns and runs along that boundary in a northerly direction until it meets the point first before described.

PART I
—cont.

PART II

THE OUTER LIMITS

An area within the borough comprising the streets and premises hereinafter mentioned and contained within the line of boundary hereinafter described.

The streets hereinbefore referred to are—

- (a) Southland Road except so much thereof as lies within the inner area or to the south of a line drawn across the street in continuation of the boundary between Woolwich Cemetery and Southland Road where that boundary runs approximately east and west ;
- (b) So much of King's Highway as extends from Wickham Lane to a line drawn across the street in continuation of the western boundary of Southland Road ;
- (c) So much of Alliance Road as lies within the borough and not within the inner area ;
- (d) Verdun Road except so much thereof as lies within the inner area ;
- (e) Villacourt Road ;
- (f) So much of Grasdene Road as extends from Villacourt Road to a line drawn across the street from the eastern corner of the premises known as No. 42 Grasdene Road to the southern corner of the premises known as No. 43 Grasdene Road.

PART II
—cont.

The premises hereinbefore referred to are—

(i) The premises respectively known as—

No. 1 Nos. 47 to 91 (odd) Nos. 42 to 94 (even) and (so far as within the borough) Nos. 93 and 96 Alliance Road ;

Nos. 1 to 43 (odd) Nos. 2 to 40 (even) and (so far as within the borough) No. 42 Grasdene Road ;

No. 92 King's Highway ;

Nos. 1 to 17 (odd) and Nos. 2 to 16 (even) Verdun Road ;

Nos. 1 to 23 (odd) and Nos. 2 to 20 (even) Villacourt Road ;

Nos. 288 to 322 (even) Wickham Lane ;

(ii) The open spaces known respectively as the William Barefoot Garden and Rockliffe Gardens except so much of the last-mentioned open space as lies to the south of a line drawn in continuation westward of the line described in paragraph (a) of this Part of this schedule ;

(iii) The premises known as to the whole or part thereof as Westfield Garage bounded on the south by Woolwich Cemetery on the east by the premises known as Nos. 50 to 58 (even) Alliance Road on the north-east by the inner area and the premises known as Nos. 42 to 48 (even) Alliance Road and on the remaining sides thereof by Southland Road ;

(iv) Garage premises adjoining and at the rear of Nos. 288 and 290 Wickham Lane ;

(v) Public service vehicle garage offices and adjoining land of the commission abutting upon King's Highway and Wickham Lane ;

(vi) Ways at the rear or alongside certain of the premises mentioned in the foregoing paragraphs.

The line of boundary hereinbefore referred to commences at the point in the western boundary of Southland Road described in Part I of this schedule as the point of commencement of the boundary of the inner area and runs first in an easterly direction and follows the line of boundary of the inner area until it again reaches the western boundary of Southland Road where it turns in a southerly direction and follows the last-mentioned boundary to the south-eastern corner of the premises known as No. 9 Southland Road thence runs along the southern boundary of those premises to the south-western corner thereof thence runs in a south-westerly direction for a distance of fifty-four yards or thereabouts along the western boundary of Southland Road thence continues along the boundary of Rockliffe Gardens first in a north-westerly direction then in a north-easterly direction then again in a north-westerly direction until it meets the boundary of Woolwich Cemetery where it turns and runs in a south-westerly direction along the last-mentioned boundary for a distance of two hundred and sixteen yards or thereabouts then turns eastward along the line referred to in paragraph (ii) of this Part of this schedule and continues until it

reaches the eastern side of Southland Road thence follows the boundary of Woolwich Cemetery first eastward then in a northerly direction then again eastward then in a south-easterly direction until it reaches a point on the county boundary at the south-eastern corner of the William Barefoot Garden thence it follows the county boundary first in a south-easterly direction then in a north-easterly direction then again in a south-easterly direction to a point in the south-eastern boundary of the premises known as No. 42 Grasdene Road whence it runs north-eastward along the last-mentioned boundary crosses Grasdene Road by the line described in paragraph (f) of this Part of this schedule and continues along the south-eastern boundary of the premises known as No. 43 Grasdene Road to the eastern corner thereof thence it runs in a north-westerly direction along the south-western boundary of the way running between premises in Grasdene Road and Villacourt Road and premises in Wickham Lane until it reaches Villacourt Road where it turns to the north-eastward and runs along the south-eastern boundary of the last-mentioned street until it reaches Wickham Lane then turns north-westward and runs along the south-western boundary of Wickham Lane until it reaches the point where it meets the northern boundary of King's Highway thence it follows the last-mentioned boundary westward until it meets the line described in paragraph (b) of this Part of this schedule thence it runs along that line in a southerly direction to the point first before mentioned.

PART II
—cont.

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The first part of the history of the
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