



CHAPTER xxi.

An Act to consolidate with amendments numerous enactments in force in the county of Middlesex and enactments relating to that county jointly with adjoining counties to make provision for the local government and improvement of the county of Middlesex and to confer powers upon the Council of and the local authorities within that county. [3rd August 1944.]

WHEREAS by the Acts mentioned in the Eighth Schedule to this Act powers are conferred upon the county council of the administrative county of Middlesex (in this Act called "the Council") and upon the local authorities within that county and provision is made in reference to the local government thereof and also in reference to bridges across the river Thames partly in Middlesex and partly in Surrey and it is expedient that those Acts should be consolidated with amendments:

And whereas by the Middlesex County Council (Sewerage) Act 1938 further provision was made for the disposal of sewage in Middlesex and parts of adjoining counties and it is expedient to re-enact those provisions with amendments and to extend the time for the purchase of the land and the execution of the works authorised to be acquired and made: 1 & 2 Geo. 6.
c. xc.

And whereas it is expedient to make provision for the health improvement and local government of the county of Middlesex and to confer powers upon the Council and upon the councils of the boroughs and urban districts comprised therein:

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

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

23 & 24 Geo. 5.
c. 51. 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 complied with:

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

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1.—(1) This Act may be cited as the Middlesex County Council Act 1944.

(2) This Act shall come into operation on the first day of October nineteen hundred and forty-four.

Division of
Act into
Parts.

This Act is divided into Parts as follows:—

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| Part | I.—Preliminary. |
| Part | II.—Lands. |
| Part | III.—Thames bridges. |
| Part | IV.—Sewerage. |
| Part | V.—Protection of streams. |
| Part | VI.—Great West Road. |
| Part | VII.—Roads town planning and amenities. |
| Part | VIII.—Local provisions. |
| Part | IX.—Street trading. |
| Part | X.—Electricity. |
| Part | XI.—Moveable dwellings and camping grounds. |
| Part | XII.—Establishments for massage and special treatment. |
| Part | XIII.—Public entertainments. |
| Part | XIV.—Employment agencies. |
| Part | XV.—Mental hospitals. |
| Part | XVI.—Administration of justice. |
| Part | XVII.—Superannuation. |
| Part | XVIII.—Finance. |
| Part | XIX.—Miscellaneous. |
| Part | XX.—General. |

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

PART I.
—cont.

Incorporation
of Acts.

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

(a) Sections 123 and 127 to 132 of the Lands 8 & 9 Vict. Clauses Consolidation Act 1845 are not incorporated with this Act; c. 18.

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

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions "~~the railway~~" shall mean the works authorised by section 44 (Power to make authorised works) of this Act and "~~the centre of the railway~~" shall mean the centre lines of those works or in the case of Works Nos. 1 and 6 the boundaries thereof. 8 & 9 Vict. c. 20.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 184 220 271 26 Geo. 5. & 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. 1 Edw. 8. c. 49.

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

(i) "~~the Council~~" means the county council of the administrative county of Middlesex;

(ii) "the county" means the administrative county of Middlesex;

(iii) "the clerk" (except in Part VIII (Local provisions)) means the clerk of the Council;

(iv) "the county fund" means the county fund of the Council;

(v) "district" means a borough or an urban district in the county;

(vi) "local authority" means the council of a district;

(vii) "highway authority" means—

(a) in the case of any county road except a claimed road as hereinafter defined and in the case of any other road (not being a trunk road) for the time being maintained by the Council the Council; and

PART I.
—cont.

(b) in the case of any other highway (not being a trunk road or a highway repairable by a railway or canal company or the conservancy board) the local authority for the district in which the highway is situate;

- (viii) "street" and "road" have the meanings assigned to the word "street" in the Act of 1936;
- (ix) "claimed road" means a county road in respect of which a local authority have claimed under section 32 of the Local Government Act 1929 to exercise and are exercising the functions of maintenance and repair;
- (x) "telegraphic line" has the same meaning as in the Telegraph Act 1878;
- (xi) "child" has the same meaning as in the Education Act 1944;
- (xii) "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;
- (xiii) "food" has the meaning assigned to it by the Food and Drugs Act 1938;
- (xiv) "functions" includes powers and duties;
- (xv) "contravention" in relation to any enactment rule term condition or restriction includes a failure to comply with that enactment rule term condition or restriction;
- (xvi) "daily penalty" means a penalty for each day on which an offence is continued after conviction thereof;
- (xvii) "the Middlesex justices" means the justices of the peace acting in and for the county and present at a general quarter sessions of the peace holden for the county;
- (xviii) "the Middlesex quarter sessions" means the general quarter sessions of the peace holden for the county;
- (xix) "the standing joint committee" means the standing joint committee of the Middlesex quarter sessions and the Council appointed under section 30 of the Local Government Act 1888;
- (xx) "general quarter sessions" includes intermediate general sessions;
- (xxi) "the port authority" means the Port of London Authority;

19 & 20 Geo. 5.
c. 17.

41 & 42 Vict.
c. 76.
7 & 8 Geo. 6.
c. 31.

1 & 2 Geo. 6.
c. 56.

51 & 52 Vict.
c. 41.

- (xxii) "the transport board" means the London Passenger Transport Board;
- (xxiii) "the railway companies" means the Great Western Railway Company the London and North Eastern Railway Company the London Midland and Scottish Railway Company the Southern Railway Company or any of them and any committee incorporated or constituted by Act of Parliament on which any of those companies is represented and "railway company" means any of the railway companies;
- (xxiv) "the canal company" means the Grand Union Canal Company;
- (xxv) "the conservancy board" means the Lee Conservancy Board;
- (xxvi) "the catchment board" means the Lee Conservancy Catchment Board;
- (xxvii) "statutory undertakers" means any company body or person authorised by any Act of Parliament or Order having the force of an Act to supply electricity gas or water;
- (xxviii) "statutory borrowing power" includes a power of borrowing money conferred on the Council or a local authority by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- (xxix) "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 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 authority by whom the investment is made; ^{38 & 39 Vict. c. 83.}
- (xxx) "authorised security" means any mortgage stock bond or other security which a local authority are for the time being authorised to grant create or issue or upon or by means of which a local authority are for the time being authorised to raise money;
- (xxxi) "enactment" includes this Act and any general or local Act Order byelaw or regulation for the time being in force within the county;
- (xxxii) "local enactment" means any local Act or Order having the force of an Act byelaw or regulation for the time being in force within the county;

PART I.
—cont.

- 9 & 10 Geo. 5.
c. 57.
- (xxxiii) " the Minister " means the Minister of Health;
- (xxxiv) " the Lands Clauses Acts " means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;
- (xxxv) " the tribunal " means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- 22 & 23 Geo. 5.
c. 48.
- (xxxvi) " the Act of 1932 " means the Town and Country Planning Act 1932;
- (xxxvii) " planning scheme " means a scheme under the Act of 1932 or under any enactment repealed by that Act or by the Town Planning Act 1925 and includes a supplementary scheme and a scheme varying or revoking an existing scheme;
- 15 & 16 Geo. 5.
c. 16.
- (xxxviii) " interim development order " means an order made under section 45 of the Housing Town Planning &c. Act 1919 or section 4 of the Town Planning Act 1925 or section 10 of the Act of 1932;
- 9 & 10 Geo. 5.
c. 35.
- (xxxix) " the Act of 1933 " means the Local Government Act 1933;
- (xl) " the Act of 1936 " means the Public Health Act 1936;
- 38 & 39 Vict.
c. 55.
- (xli) " the Public Health Acts " means the Public Health Act 1875 and the Acts amending that Act;
- (xlii) " the recited Acts " means the Acts mentioned in the Eighth Schedule to this Act and each of those Acts (except the Kew Bridge Act 1898) is referred to as the Act of the year in which it was passed
- 61 & 62 Vict.
c. clv.
- Provided that " the Act of 1938 " in Part IV (Sewerage) means the Middlesex County Council (Sewerage) Act 1938 and elsewhere the Middlesex County Council (General Powers) Act 1938.
- 1 & 2 Geo. 6.
c. xcix.

(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.

Further powers to Council to acquire land.

5.—(1) In addition to any powers conferred upon the Council by any other enactment the Council may acquire whether by way of purchase lease or exchange and may hold

any land whether situate within or without the county for the following purposes:—

- (a) the purposes of this Act and any other local enactment relating to the Council; and
- (b) the purpose of providing substituted sites or facilities for any person whose land may be acquired by the Council under any of their statutory powers.

(2) The purposes for which the Council may be authorised to purchase land compulsorily under section 159 of the Act of 1933 shall include the purposes mentioned in subsection (1) of this section:

Provided that—

- (i) Subject to the provisions of the next succeeding section the Council shall not be authorised to purchase any lands compulsorily for the purpose of paragraph (b) of subsection (1) of this section;
- (ii) Nothing in this section shall alter or affect the operation of paragraph (c) of section 179 of the Act of 1933.

~~(3) (a) The Council notwithstanding that the same may not immediately be required may by agreement purchase or acquire or take on lease and hold any land which in their opinion it is desirable the Council should acquire for or in connection with the purposes of any of their functions.~~

(b) When any land purchased or acquired or taken on lease by the Council under this subsection shall be appropriated to any of their functions an amount equal to the value of the land shall be debited in the books of the Council to the undertaking department or service in respect of which such functions are exercised or performed.

6.—(1) Whenever the Council are in their opinion unable to acquire by agreement on reasonable terms any land within the county which they reasonably require for the purpose of reinstating a local authority or statutory undertakers being the owners lessees or occupiers of land which—

Acquisition
of lands for
exchange in
certain cases.

(a) has been or is to be purchased by the Council compulsorily or by agreement for the purposes of their functions—

- (i) as local education authority; or
- (ii) as highway authority; and

(b) is or immediately before such purchase was used by such local authority or statutory undertakers for the purposes of their statutory functions;

they may acquire such land compulsorily by means of a compulsory purchase order made by them and submitted to

PART II.
—cont.

the Minister and confirmed by him in accordance with the provisions (so far as they are applicable) of section 161 of the Act of 1933 but subject to the restrictions contained in paragraph (c) of section 179 of that Act and the provisions of section 162 of that Act shall have effect with respect to the validity and date of operation of any such order.

(2) In this section—

“ local authority ” means the council of any county or county borough or metropolitan borough or any county district whether within or without the county or a joint committee or joint board comprising representatives of two or more of such councils; and

“ statutory undertakers ” means any company body or person authorised by Act of Parliament or Order having the force of an Act to carry on any railway trolley vehicle harbour dock canal inland navigation water gas electricity or other public utility undertaking.

Powers of
entry upon
lands.

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

7. The provisions of section 145 (Power of entry on land acquired) of the Housing Act 1936 so far as they relate to lands acquired for the purposes of Part V of that Act shall apply to any land which the Council are authorised to acquire under any enactment for the time being in force under which the Council may acquire land compulsorily:

Provided that—

- (i) in the case of a house or building which is actually occupied and in the case of land actually under cultivation as part of an agricultural or small holding the length of notice to be given under the said section 145 shall be twenty-eight days; and
- (ii) in every notice to treat required to be given under any such enactment to the owners lessees or occupiers of land proposed to be acquired by the Council thereunder the provisions of this section shall be stated.

Compensation
may be in
land.

8. The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any Government department is required only with such consent.

Power to
reinstate
owners of
property.

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

PART II.
—cont.Retention
and disposal
of lands.

10.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Council may retain hold and use for such time and for such of their functions as they may think fit or may sell lease (whether in possession or reversion) exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any enactment 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.

(2) Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease or other disposition of any lands of the Council in any case in which such consent would be required under any Act if this section had not been enacted.

(3) Nothing in this section shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the lands other than the restrictions imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this section had not been enacted.

11. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Council in the bank in pursuance of section 76 of that Act or deposited by the Council in the bank by way of security in pursuance of section 85 of that Act to order upon application by the Council that the money so deposited or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Council:

Recovery of
deposit
under Lands
Clauses Act.

Provided that upon the application of any party making claim to the money deposited as aforesaid or any part thereof or to the lands in respect whereof the same shall have been

PART II.
—cont.

deposited or any part of such lands or any interest in the same the High Court may order such money as has been repaid or transferred to the Council under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as to the court shall seem fit.

Power to
develop
lands &c.

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

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

(3) Nothing in this section—

(a) shall prejudice or affect the operation of or derogate from any of the provisions of the Act of 1932 or of the Town and Country Planning (Interim Development) Act 1943 or any scheme or order for the time being in force under the Act of 1932 or under any enactment repealed by that Act or by the Town Planning Act 1925; or

(b) shall authorise the use laying out or development of any lands or the erection or maintenance of any buildings or the construction of any streets roads or ways in contravention of any provision of any Act (including this Act) or Order which—

(i) prescribes or enables a county council local highway or other authority to prescribe a building or frontage line to be observed in any street or road; or

(ii) prohibits or controls the erection of buildings or the making of any excavations within a specified distance of any street or road; or

(iii) restricts or controls the use of lands or the construction formation or laying out of any means of access to lands; or

(c) shall entitle the Council to commit a breach of a covenant which is enforceable under any enactment or which is otherwise binding on the Council.

6 & 7 Geo. 6.
c. 29.

PART III.

THAMES BRIDGES

13. In this Part of this Act unless the subject or context otherwise requires— Definitions
in Part III.

“ the Middlesex Council ” means the county council of the administrative county of Middlesex;

“ the Surrey Council ” means the county council of the administrative county of Surrey;

“ the councils ” means the Middlesex Council and the Surrey Council and includes either of those councils;

“ the river ” means the river Thames;

“ the 1928 plans ” and “ the 1928 sections ” mean respectively the plans and sections deposited in respect of the Bill for the Act of 1928.

14.—(1) A joint committee appointed in pursuance of section 91 of the Act of 1933 shall exercise such of the powers of this Part of this Act as the councils have determined or shall determine and for this purpose and subject to such determinations shall have power to make and carry into effect all such agreements and arrangements as under the provisions of this Part of this Act may be made and carried into effect by the councils. Joint
committee.

(2) The joint committee shall consist of the following members:—

(a) the chairman and vice-chairman (who shall be ex-officio members) and five members of Middlesex Council appointed by that council; and

(b) the chairman and vice-chairman (who shall be ex-officio members) and five members of Surrey Council appointed by that council.

(3) Any vacancy on the joint committee in consequence of the death resignation or incapacity or refusal to act of any member shall be filled by the council whose representative he was.

(4) The quorum of the joint committee shall be fixed by the committee but shall consist of at least two members from each council.

15.—(1) The following bridges roads and works shall continue vested so far as they are situate in the Middlesex Council and so far as they are situate in the Surrey Council. Vesting and
maintenance
of bridges
and roads.

(2) The bridges hereinbefore referred to are—

(a) Kew Bridge constructed in pursuance of the Kew Bridge Act 1898;

PART III.

—cont.

1 & 2 Geo. 5.
c. lxxxix.

- (b) Kingston-upon-Thames Bridge vested in the councils by the Act of 1911 and widened and improved in pursuance of that Act;
- (c) Richmond Bridge vested in the councils by the Act of 1928;
- (d) Twickenham Bridge constructed in pursuance of the Act of 1928;
- (e) Chiswick Bridge constructed in pursuance of the Act of 1928; and
- (f) Hampton Court Bridge constructed in pursuance of the Act of 1928.

(3) The roads and works hereinbefore referred to are the roads and works constructed or improved by the councils respectively in pursuance of the Kew Bridge Act 1898 the Act of 1911 and the Act of 1928.

(4) Each of the councils shall bear the expenses of maintaining and repairing the approaches to each bridge on their own side of the river and such part of each bridge as is situate on the same side of an imaginary line to be drawn centrally across the bridge so far as such expenses are not otherwise provided for.

Provisions
relating to
Richmond
Bridge.

16.—(1) All agreements conveyances contracts deeds and other instruments entered into or made with or by the commissioners constituted by the Act 13 George III chapter 83 (hereinafter referred to as "the Act of 1772") and in force immediately before the transfer of Richmond Bridge to the councils by virtue of the Act of 1928 shall be as binding and of as full force and effect in every respect against or in favour of the councils and may be enforced as fully and effectually as if instead of the said commissioners the councils had been parties thereto.

(2) The provisions of the Act of 1772 which are set out in the First Schedule to this Act shall have effect as if the councils were therein named instead of the commissioners constituted by the Act of 1772.

Extinction
of private
rights of way.

17.—(1) All private rights of way over any lands which the councils were authorised by the Act of 1928 to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the councils if the councils shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) Provided that the councils shall make compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts.

18.—(1) The Surrey Council may subject to the provisions of this Part of this Act and in the lines and situations and within the limits of deviation shown on the 1928 plans and according to the levels shown on the 1928 sections execute make and maintain the work hereinafter described together with footways and carriageways and all necessary works and conveniences connected therewith:—

PART III.
—cont.

Power to
Surrey
Council to
execute work.

Work No. II A road and bridge over the Southern Railway in the urban district of Esher commencing and terminating by junctions with Summer Road.

(2) Subject to the provisions of this Part of this Act the Surrey Council in constructing the said work may deviate to any extent not exceeding the limits of deviation shown on the 1928 plans and may deviate from the levels shown on the 1928 sections to any extent not exceeding five feet either upwards or downwards.

(3) When the said work has been completed and is open for traffic the Surrey Council may stop up the level-crossing of Summer Road over the Southern Railway and upon the stopping up thereof all rights of way thereover and other rights shall by virtue of this Act be extinguished:

Provided that the Surrey Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts.

(4) Notwithstanding the stopping up of the said level-crossing the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said level-crossing and from such part of Summer Road as shall also be stopped up any telegraphic line of the Postmaster-General which is in under along or across the same and the Surrey Council shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

19.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the 1928 plans the Surrey Council in connection with the works authorised by the last foregoing section and for the purposes thereof may—

Power for
Surrey
Council to
make
subsidiary
works.

(a) make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or any of them;

PART III.
—cont.

- (b) make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or otherwise;
- (c) construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;
- (d) stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Part of this Act;
- (e) execute any works for the protection of any adjoining land or buildings;
- (f) remove alter divert or stop up any drain sewer channel or watercourse the Surrey Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse; and
- (g) alter the mains pipes wires and other works for the purpose of conveying water gas or electricity to any house or other place.

(2) Any paving metalling or materials in on or under any street altered or diverted by the Surrey Council under the powers of this Part of this Act and any sewers drains and pipes rendered unnecessary by the substitution of other sewers drains and pipes therefor shall vest in that council and all substituted sewers drains and pipes shall be under the same jurisdiction care management and direction as the existing sewers drains and pipes for which they may be so substituted.

(3) In the exercise of the powers conferred by this section the Surrey Council shall cause as little detriment and inconvenience as circumstances admit to any local authority company or person and shall make reasonable compensation for any damage caused to any local authority company or person by the exercise of such powers.

(4) Within the limits of deviation shown on the 1928 plans the Surrey Council may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and shall make reasonable compensation for any damage caused by the exercise of the powers of this subsection.

(5) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined in accordance with the provisions of the Lands Clauses Acts.

(6) The Surrey Council shall not alter or remove any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

PART III.
—cont.

20.—(1) The Surrey Council during and for the purpose of the execution of Work No. 11 authorised by this Part of this Act may (with the consent of the road authority which shall not be withheld unreasonably) break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same. Temporary stoppage of streets.

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

21. The Surrey Council may enter into and fulfil agreements with the Southern Railway Company relative to the stopping up of the level-crossing of Summer Road over that company's railway and to any of the works authorised by the Act of 1928 or this Act which affect that company. Agreements with Southern Railway Company.

22. The councils shall not at any time interfere with the existing towing-paths on the Surrey side of the river beneath Twickenham Bridge and Chiswick Bridge so as to prevent the effective use of such towing-paths and shall keep open for the whole width thereof a towing-path on the Surrey side of the river at Twickenham Bridge of the same width as now existing and a towing-path on the Surrey side of the river at Chiswick Bridge of a width of approximately twenty feet and shall maintain means of access of similar widths to such towing-paths from the upper and lower sides of the said bridges but nothing in this section shall prevent the maintenance of Chiswick Bridge with a pier of the bridge abutting on the towing-path. Towing-paths and access to be kept open.

23. The bridges vested in or constructed by the councils or either of them under the provisions of the Kew Bridge Act 1898 the Act of 1911 the Act of 1928 or this Part of this Act shall be or continue to be county bridges and the roads constructed by the councils or either of them under those provisions shall be or continue to be county roads. Bridges and roads to be county bridges and county roads.

24. In addition to the powers which the Surrey Council have in respect of county roads and county bridges that council shall have the same powers for carrying such drains and other works and conveniences as they may consider necessary or convenient for the drainage of the bridges roads and works referred to in this Part of this Act as a local authority have under the Act of 1936 for carrying sewers within and without Provision of drains by Surrey Council.

PART III.
—cont.

their district and when exercising such powers the Surrey Council shall be subject to such restrictions as a local authority are subject to and the provisions of that Act relating to the construction of sewers shall with any necessary modifications apply accordingly.

No mains to be laid on bridges except with consent of councils.

25. Notwithstanding anything in any Act to the contrary it shall not except as by this section expressly provided be lawful for any person to enter upon break up or interfere with the bridges referred to in section 15 (Vesting and maintenance of bridges and roads) of this Act or the carriageways and footways over the same respectively for the purpose of executing any work whatsoever therein thereon or thereunder except with the consent of the councils in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the councils may reasonably determine:

Provided that the consent of the councils to the breaking up of and interference with the said bridges for the purpose of placing laying down maintaining repairing or renewing electric lines therein shall not be withheld unreasonably and that any question which may arise as to whether such consent is so withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be determined by the Minister of War Transport.

Bridge Estate Charity property.

26.—(1) So long as the lands and hereditaments formerly held in trust for the Bridge Estate Charity which were vested in the councils by the Act of 1911 remain vested in them they may from time to time hold retain and occupy such part thereof as may be necessary for the purposes of the widening and improvement executed under the Act of 1911 and subject thereto may with the approval of the Minister dispose of or otherwise deal with such premises by way of sale exchange mortgage charge demise lease or otherwise and the councils may also sell any securities vested in them by the said Act and reinvest the proceeds of the sale.

(2) The councils shall each be entitled to one moiety of the income arising from the said premises and from the stock and other property formerly held in trust for the Bridge Estate Charity and vested in the councils by the Act of 1911 and shall apply such income to and towards—

First defraying the cost of maintaining and repairing the Kingston-upon-Thames Bridge and the approaches thereto;

Secondly the formation of a reserve fund for the repair maintenance and improvement of the said bridge and the approaches thereto.

(3) Either of the councils may by notice to the other of them require the said premises stock and other property to be apportioned between them so that each of the councils may receive one-half thereof and such apportionment shall be effected by agreement or failing agreement by arbitration the arbitrator unless otherwise agreed being appointed on the application of either party (after notice to the other) by the Minister.

27.—(1) Section 201 (Building line) of this Act shall with any necessary modifications apply in respect of any building line prescribed by the Middlesex Council under the Act of 1928. Building lines in roads made under Act of 1928.

(2) Section 66 of the Surrey County Council Act 1931 shall with any necessary modifications apply in respect of any building line prescribed by the Surrey Council under the Act of 1928. 15 & 16 Geo. 5. c. cxv.

28. Nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections and for the purposes of those provisions each of the councils shall be deemed to be a local authority. Saving for electricity undertakers. 45 & 46 Vict. c. 56. 62 & 63 Vict. c. 19.

29. Notwithstanding anything in this Part of this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Richmond (Surrey) (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the Councils and the corporation have effect:— For protection of Richmond Corporation.

(1) The Surrey Council shall not discharge surface water from the works authorised by the Act of 1928 into any soil sewer of the corporation nor into any surface water sewer of the corporation without the consent in writing of the corporation which consent shall not be unreasonably withheld:

(2) All expenses in relation to the cleansing of Twickenham Bridge and the approaches thereto shall be borne and paid by the councils:

(3) The councils shall at their own expense maintain to the reasonable satisfaction of the corporation the following works provided in pursuance of subsection (7) of section 46 of the Act of 1928:—

(a) The refuge in or near to the centre of Twickenham Road with a lamp pillar in the centre

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thereof and the reasonable cost of lighting the lamps on such pillar shall be borne by the corporation;

(b) The flight of steps from the up-river side of Twickenham Road down to the Riverside Walk at a point between the Old Deer Park and the river;

(c) The unclimbable wrought iron fence on both sides of Twickenham Road throughout its entire length in the Old Deer Park with two wrought iron gateways in the said fence on each side of the road:

(4) Any difference which may arise between the corporation and the councils under this section shall be referred to arbitration.

For
protection of
Twickenham
Corporation.

30. For the protection of the mayor aldermen and burgesses of the borough of Twickenham (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Middlesex Council apply and have effect:—

- (1) The Middlesex Council shall not at any time discharge whether directly or indirectly surface water from any work authorised by the Act of 1928 to be constructed or maintained by them into any soil sewer maintainable by the corporation without the consent of the corporation in writing:
- (2) The Middlesex Council shall maintain the steps provided by them on each side of Twickenham Bridge where such bridge crosses Ranelagh Drive and Duck's Walk so as to afford adequate and direct means of access for foot passengers from Ranelagh Drive and Duck's Walk to the said bridge:
- (3) Nothing contained in this Part of this Act shall exempt from any town planning scheme for the time being in operation in the borough of Twickenham any land acquired by the Middlesex Council for the purposes of the Act of 1928 and not required for the works authorised by that Act but this subsection shall not deprive the Middlesex Council of any right to which they may be entitled in respect of such land under such scheme or under the Act of 1932:
- (4) Any difference which may arise between the corporation and the Middlesex Council under the provisions of this section shall be referred to arbitration.

31. For the protection of the Esher Urban District Council (in this section referred to as "the district council") the following provisions shall unless otherwise agreed in writing between the district council and the Surrey Council apply and have effect:—

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—cont.
For
protection of
Esher Urban
District
Council.

- (1) Notwithstanding anything contained in this Part of this Act or shown on the 1928 plans and sections the Surrey Council shall construct the new road (Work No. II) so as not to interfere with Summer Road or the roadside waste thereof to a greater extent than shown on the plan signed in duplicate by William Percival Robinson on behalf of the Surrey Council and by Horace Charles Fread on behalf of the district council:
- (2) All materials in under or upon any road street or other place altered by the Surrey Council within the urban district of Esher and any materials obtained in the alteration of or interference with any drain or sewer and the materials (if any) obtained in the course of the construction of the said Work No. II shall in so far as they are not required for the construction of that work become the property of the district council who may sell or dispose of the same:
- (3) At least twenty-eight days before commencing any part of the said Work No. II or works connected therewith (in this section referred to as "the works") which shall or may in any way interfere with or affect any street culvert sewer drain pipe watercourse or other work appliance or apparatus of or under the control of the district council the Surrey Council shall give to the district council notice of such intended commencement and at the same time send to the district council for their reasonable approval such plans sections drawings and particulars as may be necessary:
- (4) Within twenty-eight days after the service of the notice under subsection (3) of this section the district council shall signify in writing to the Surrey Council their approval or disapproval of the said plans sections drawings and particulars and if they fail to do so they shall be deemed to have approved thereof:
- (5) If the district council shall disapprove of the said plans sections drawings and particulars or shall make any requirements to which the Surrey Council shall be unwilling to agree the matter in difference shall be determined by arbitration:

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- (6) The Surrey Council shall not execute the works except in accordance with the plans sections drawings and particulars as approved by the district council or as determined by arbitration :
- (7) All the works so far as they shall or may affect any such street culvert sewer, drain pipe watercourse work appliance or apparatus as aforesaid shall be carried out at the reasonable costs charges and expenses in all things of the Surrey Council and under the superintendence and to the reasonable satisfaction of the engineer of the district council if the said engineer attends for the purpose of such superintendence and all such additional costs charges and expenses to which the district council may be put by reason of the works (whether in the execution or in the superintendence thereof) shall be paid to the district council by the Surrey Council :
- (8) The Surrey Council shall not alter remove or displace any sewer drain watercourse or other work or apparatus of the district council or do anything to impede the passage of sewage or surface water into or through any sewer drain watercourse or other work or apparatus of the district council without the consent in writing of the district council under the hand of their engineer or surveyor until good and sufficient sewers drains watercourses or other works or apparatus necessary or proper for continuing the passage of sewage or surface water as sufficiently as the same was passed by the sewer drain watercourse or other work or apparatus proposed to be removed or displaced shall at the expense of the Surrey Council have first been made and laid down in place thereof and made ready for use and to the reasonable satisfaction of the district council :
- (9) Any difference which may arise between the district council and the Surrey Council under this section shall be referred to arbitration.

For
protection of
port
authority.

32. For the protection of the port authority the following provisions shall unless otherwise agreed in writing between the Councils and the port authority have effect:—

- (1) In this section unless there be something in the subject or context repugnant to such construction—

“ the river ” means the part of the river Thames which is within the jurisdiction of the port authority and includes the bed banks and shores thereof and the towpath adjacent thereto;

“ the said bridges ” means Richmond Bridge Twickenham Bridge Kew Bridge and Chiswick Bridge: .

- (2) (a) All works (whether permanent or temporary) in connection with any of the said bridges which are to be constructed erected or placed in on over or under the river so as to involve any increase of the length of or any diminution of the width or headway of any of the arches thereof shall be executed in accordance with plans and longitudinal and cross sections to be approved in writing by the port authority under the hand of their secretary or other authorised officer or failing such approval settled by arbitration before the works are commenced All such temporary works shall if necessary in the opinion of the port authority be enclosed in floating booms which shall be placed in such positions as shall be defined upon plans to be submitted to and approved by the port authority:

Provided that if the port authority shall not within one month of the delivery of any such plans and sections express their disapproval thereof they shall be deemed to have approved thereof:

(b) Owners and masters of vessels shall not be liable to make good any damage which may be caused to any temporary works in connection with any of the said bridges in on over or under the river except such as may arise from the wilful act or default of such owners or masters or their servants or agents:

- (3) In the carrying out of any works in connection with any of the said bridges involving works in the river the traffic of the river shall not be interfered with except so far as may be absolutely necessary:
- (4) All piles and other works placed in on over or under the river in connection with any of the said bridges (other than those forming part of the permanent works) shall be drawn from the river and not cut off Provided that if it shall not be reasonably practicable to draw such piles or other works the councils shall in lieu thereof cut off the same at such level below the level of the bed of the river as the port authority shall reasonably prescribe If the councils fail so to do after receipt of notice from the port authority the port authority may remove or cut down the same charging the councils with the reasonable expense of so doing and the councils shall repay to the port authority the expenses so incurred:

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—cont.

- (5) The councils shall during the carrying out of any works in connection with the said bridges involving any increase of the length of or any diminution of the width or headway of any of the arches thereof hang out and exhibit on or near to the said works and on the said bridges every night from sunset to sunrise such lights (to be kept burning by and at the expense of the councils) and during every day such marks as shall be proper and sufficient for the navigation and safe guidance of vessels. The said lights and marks shall from time to time be altered by the councils in such manner and be of such kind and number and be so placed and used, as the port authority by writing under the hand of their secretary or other authorised officer shall approve or direct. If the councils fail so to exhibit and keep burning such lights and to exhibit such marks they shall for every such offence forfeit to the port authority twenty pounds:
- (6) Nothing in this Part of this Act shall authorise or empower the councils without the previous consent of the port authority to embank encroach upon or interfere with any part of the river except as is expressly authorised by this Act:
- (7) The councils shall not take any gravel soil or other material from the river without the previous consent of the port authority:
- (8) The foundations of the piers hereinafter mentioned of the said bridges and of all or any of the works in connection therewith shall be maintained at such levels as to allow the bed of the river adjacent to the said piers to be dredged to the following respective depths below Trinity high water mark (namely):—
- (a) in the case of the piers on either side of the centre opening of Richmond Bridge and the pier of the opening of that bridge next to the said centre opening on the Middlesex side thereof a depth of sixteen feet and in the case of the pier of the opening of that bridge next to the said centre opening on the Surrey side thereof a depth of twelve feet;
- (b) in the case of all the piers of Twickenham Bridge a depth of twenty-one feet;
- (c) in the case of the riverward side of the piers on either side of the centre opening of Kew Bridge a depth of twenty-five feet and of the landward side of such piers a depth of nineteen feet and of the piers of the openings of that bridge on either side of the said centre opening a depth of thirteen

feet next to each of such piers sloping at an even gradient to the aforesaid depth of nineteen feet;

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(d) in the case of all the piers of Chiswick Bridge a depth of twenty-five feet six inches;

and notwithstanding anything contained in the Port of London (Consolidation) Act 1920 the port authority shall not be liable for any damage to the said bridges not arising from negligence occasioned by such dredging operations: ^{10 & 11 Geo. 5. c. clxxii.}

- (9) The councils shall bear and on demand pay the cost of any alterations to any moorings and mooring chains or any work of dredging which in the opinion of the port authority may be rendered necessary or desirable by reason of the construction of any works in connection with the said bridges:
- (10) Notwithstanding anything in this Part of this Act or in the Acts incorporated with this Act the compensation or consideration payable to the port authority by the councils in respect of permanent or temporary works placed in on over or under the river shall be assessed in accordance with the provisions of section 254 of the Port of London (Consolidation) Act 1920 or any statutory provision in lieu thereof for the time being in force and the councils shall pay to the port authority a fair and reasonable consideration (to be assessed in manner aforesaid) for or in respect of any main pipe cable wire or other work or apparatus which may be at any time carried across the river by means of the said bridges with the consent of the councils other than such as may be placed or used without the councils being entitled to require any consideration therefor or as may be placed or used solely by the councils for the purposes of any of their undertakings or in pursuance of any of their powers and duties. The councils shall give notice in writing to the port authority of the placing of any such main pipe cable wire or other work or apparatus so carried across the river if such payment as aforesaid is made:
- (11) Nothing in this Part of this Act or in any Act incorporated with this Act shall authorise the councils in the exercise of any powers of this Part of this Act to discharge or allow to escape either directly or indirectly into the river or its tributaries any offensive injurious or solid matter in suspension or otherwise or to prejudice or affect in any manner the powers of the port authority under sections 226 to 239 (inclusive) of the Port of London (Consolidation) Act

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1920 or entitle the councils to infringe any of the provisions of those sections or any requirements of the port authority thereunder:

- (12) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Part of this Act or of any enactment incorporated with this Act to the benefit of which the port authority would have been entitled if this section had not been enacted:
- (13) Any matter required to be settled by arbitration under this section and any difference which may arise between the councils and the port authority as to anything to be done or not to be done under this section or otherwise arising under this section shall be referred to arbitration.

For
protection of
conservators
of river
Thames.

33. For the protection of the conservators of the river Thames (in this section referred to as "the conservators") the following provisions shall notwithstanding anything contained in this Part of this Act or in the Acts incorporated herewith have effect unless otherwise agreed in writing between the conservators and the councils:—

- (1) In this section unless there be something in the subject or context repugnant to such construction the expression "the river" means the part of the river which is within the jurisdiction of the conservators and includes the bed banks and shores thereof and the towpath adjacent thereto the expression "the bridge" means the Hampton Court Bridge and the expression "water level" means a level of fifteen feet nine inches above ordnance datum:
- (2) All works in connection with the maintenance of the bridge affecting the river shall be executed to the reasonable satisfaction of the chief engineer of the conservators and the navigation of the river shall not be interfered with more than is absolutely necessary in the maintenance of the works:
- (3) The councils shall give to the conservators at least one month's notice in writing before the commencement of any work affecting the river:
- (4) The foundations of the bridge and the foundations of the piers and abutments of the widened portion of Kingston-upon-Thames Bridge shall be maintained at such a level as to allow the bed of the river around and near to the foundations to be dredged in the case of Hampton Court Bridge to a level of one foot nine inches above ordnance datum and in the case of Kingston-upon-Thames Bridge to a level of one foot

six inches above ordnance datum without endangering the safety of the bridges:

- (5) The councils shall on the occasion of any repair of the bridge affecting the river hang out and exhibit at or near to the bridge every night from sunset to sunrise lights to be kept burning by and at the expense of the councils and proper and sufficient for the navigation and safe guidance of vessels and the councils shall also in like manner and at the like expense hang out and exhibit at or near to the bridge every day from sunrise to sunset such signals as may be reasonably proper and sufficient for the navigation and safe guidance of vessels and such lights and signals or any of them as the case may be shall from time to time be altered by the councils in such manner and be of such kind and number and be so placed and used as the conservators by writing under the hand of their secretary or other authorised officer shall approve and direct and in case the councils fail to exhibit and keep burning the lights and exhibit the signals in accordance with the provisions of this section they shall for every such offence forfeit to the conservators a sum not exceeding ten pounds which may be recovered by the conservators in a summary manner in any court of competent jurisdiction:
- (6) The councils shall not take any gravel soil or other material from the river without the previous consent of the conservators signified in writing under the hand of their secretary:
- (7) The councils shall not without the previous consent of the conservators in writing under the hand of their secretary embank or encroach upon or interfere with any part of the river otherwise than according to plans elevations and sections reasonably approved by the conservators:
- (8) Notwithstanding anything in section 52 of the Thames Conservancy Act 1932 it shall not be obligatory upon the conservators to give to the councils notice before commencing to dredge cleanse scour or deepen—
- (a) any part of the river under or in the vicinity of the bridge to the depth of one foot nine inches above ordnance datum; or
- (b) any part of the river on the southern side of the Kingston-upon-Thames Bridge as widened and improved in pursuance of the Act of 1911 except within a distance of thirty feet of the southern side of the said bridge as so widened and improved or of any pier or abutment on that side:

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- (9) The councils shall pay to the conservators the sum of ten pounds for every month or part of a month during which all or any temporary works in connection with the maintenance of the bridge shall be or remain in on under or over the river or any adjacent land of the conservators to cover the expenses of the conservators in providing superintendence under this section:
- (10) All works authorised by this Part of this Act including the exhibition of lights and signals as provided by this section shall be executed by the councils at their sole risk and responsibility and the councils shall indemnify the conservators against all actions proceedings claims and demands in respect of all or any damage which may at any time be occasioned to any person or persons or property by reason of the works and operations of the councils and against all claims in respect of damage to any person or craft occasioned through any failure to remove any temporary works or materials for temporary works:
- (11) Any difference which may arise under the provisions of this section between the councils and the conservators shall be referred to arbitration.

For
protection of
Southern
Railway
Company.

34. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the councils and the company apply and have effect:—

- (1) In this section "Work No. 11" means Work No. 11 authorised by section 18 (Power to Surrey Council to execute work) of this Act and "the engineer" means the chief civil engineer of the company:
- (2) Twickenham Bridge shall be maintained by the councils so as not to endanger damage or injuriously affect the bridge and works connected therewith carrying the Windsor railway of the company over the river:
- (3) The bridge now belonging to the company carrying their London and Southampton railway over Work No. 10 authorised by the Act of 1928 shall be maintained by them as part of their undertaking:
- (4) (a) Before commencing Work No. 11 the Surrey Council shall give three months' notice in writing to the company of their intention so to do and if within that period the company by notice in writing so require the Surrey Council shall construct the bridge forming part of that work of sufficient span and

headway to enable the company to widen their Hampton Court railway at any time by not exceeding two additional pairs of rails and the company shall on the completion of such construction in accordance with the said requirement pay to the Surrey Council the amount by which the cost incurred by the Surrey Council in carrying out such construction exceeds the cost which they would have incurred in constructing such bridge if the said requirement had not been made by the company;

(b) If the company give notice in writing to the Surrey Council within the period of three months referred to in paragraph (a) of this subsection that they desire themselves to construct the said bridge they may and shall with all reasonable expedition construct the same in accordance with the plans sections specifications and particulars to be approved by the engineer or settled by arbitration as hereinafter provided and the Surrey Council shall repay to the company on demand the reasonable expense incurred by them in that behalf less any amount to be paid by the company under paragraph (a) of this subsection:

- (5) (a) Before commencing the construction of so much of Work No. II as shall or may pass over or under or in any way affect the railways or property of the company or be within twenty yards thereof (in this section referred to as "the said portion of Work No. II") the Surrey Council shall submit to the engineer for his reasonable approval plans sections specifications and particulars of the said portion of Work No. II and of the stages by which it is proposed to carry out the same. Provided that if the engineer does not signify his approval or disapproval or requirements within twenty-eight days after the submission to him of the said plans sections specifications and particulars he shall be deemed to have approved thereof;

(b) The said portion of Work No. II shall be executed only in accordance with such plans sections specifications and particulars as shall be approved as aforesaid or settled by arbitration as hereinafter provided and under the supervision if the same be given and to the reasonable satisfaction of the engineer:

- (6) Before commencing the construction of the said portion of Work No. II the Surrey Council shall carry out to the reasonable satisfaction of the engineer any temporary works in connection therewith

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which may in the opinion of the engineer be reasonably necessary to ensure the stability of the railways and property of the company or the company may if they so elect themselves carry out such temporary works for the Surrey Council and the reasonable cost thereof and any reasonable expenses incurred by the company in connection therewith shall be repaid by the Surrey Council to the company:

- (7) The Surrey Council shall bear and pay to the company the reasonable expenses incurred by them in the employment of a sufficient number of inspectors watchmen and signalmen for inspecting Work No. 11 where it crosses or affects the railways of the company and watching and signalling the railways and works of the company during the execution of Work No. 11 and for preventing as far as may be interference obstruction danger and accident from any of the operations of the Surrey Council and for insuring the company against claims in respect of such men under the Employers' Liability or Workmen's Compensation Acts or otherwise and the Surrey Council shall at all times afford reasonable facilities to the engineer and to his assistants and inspectors for access to Work No. 11 during its construction and shall also furnish him or them with all information he or they may reasonably require with regard to Work No. 11 or the method of construction thereof:
- (8) If by reason of the construction of Work No. 11 it shall become reasonably necessary within twelve months after the completion thereof to reconstruct add to alter or remove any signal cabin signal posts signal telegraph and telephone posts and wires permanent way fences or other works or apparatus belonging to or on or connected with the railways of the company or to substitute other works therefor the company may effect any such reconstruction addition alteration removal or substitution and the reasonable expense thereof shall be repaid to them by the Surrey Council:
- (9) Work No 12 authorised by the Act of 1928 shall be maintained by the Surrey Council so as not to increase the danger or risk of damage to the railways and property of the company by flooding or otherwise:
- (10) Before commencing the construction of the said portion of Work No. 11 or any alteration or renewal thereof or any alteration or renewal of so much of any works authorised by the Act of 1928 as passes

over or under or in any way affects the railways or property of the company or is within twenty yards therefrom (which portions of Work No. II and of works authorised by the Act of 1928 are hereinafter in this section collectively referred to as "the said works") and before commencing the repair thereof (except in case of emergency) the councils shall give twenty-eight days' previous notice in writing to the engineer of their intention to commence the same and in case of emergency the councils shall give the company the longest notice which they can reasonably give having regard to the urgency of the repairs to be carried out. Such notice shall be accompanied by a sufficient description of the works to be executed and all such works shall be carried out only at such time as the engineer shall reasonably require and the construction or execution of the said works when commenced shall (except as in this section otherwise provided) proceed with all reasonable dispatch:

- (11) Except as in this section otherwise provided the councils shall at their own expense maintain so much of the said works as affects the railways works and property of the company in substantial repair and good order and condition to the reasonable satisfaction of the engineer and so as to leave undisturbed at all times the said railways works and property of the company and if and whenever the councils fail so to do after fourteen days' notice in writing to be given by the company to the councils or in case of emergency the company may make and do in and upon as well the lands of the councils as their own lands all such works and things as may be requisite and the amount of the expenditure reasonably incurred by the company in that behalf shall be repaid to them by the councils:
- (12) Notwithstanding anything in this Part of this Act contained the councils shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to the company or to any of the railways works or property of the company or to the traffic thereon by reason of the execution or failure of Work No. II or of any of the works authorised by the Act of 1928 or required to be executed by the councils or of any act or omission of the councils or of their contractors or of any person in the employ of either of them and the councils shall effectually indemnify and hold harmless the company from and

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against all claims and demands upon or against them by reason of such execution or failure and of any such act or omission:

- (13) The fact that any work or thing has been done in accordance with any plan section or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the councils from any liability for damage under the last preceding subsection or affect any claim of the company for injury to the railway or the traffic thereon save so far as the same may arise by reason of any such requirement:
- (14) Any question which may arise between the councils and the company under the provisions of this section shall be referred to arbitration.

For
protection of
Metropolitan
Water Board.

35. Notwithstanding anything contained in this Part of this Act the following provisions for the protection of the Metropolitan Water Board (in this section referred to as "the board") shall unless otherwise agreed in writing between the board on the one hand and the councils or the Middlesex Council or the Surrey Council (as the case may be) on the other hand have effect:—

(1) The expression "the council" where used in this section means—

(a) The councils in relation to any works to be executed or powers to be exercised by the councils;

(b) The Middlesex Council in relation to any works to be executed or powers to be exercised by that council; and

(c) The Surrey Council in relation to any works to be executed or powers to be exercised by that council;

and the expression "Work No. II" means Work No. II authorised by this Part of this Act:

- (2) In constructing Work No. II the Surrey Council shall provide in or under the footway on one side of that work such accommodation and support as shall be sufficient for a main of the board having an internal diameter of eight inches and the board shall repay to the Surrey Council the additional cost (if any) incurred by the Surrey Council in making provision for such accommodation and support:
- (3) The board shall be entitled at all times to use free of charge the accommodation for their mains provided in pursuance of section 57 (For protection of Metropolitan Water Board) of the Act of 1928 or of subsection (2) of this section for the laying and placing

therein of mains having a capacity or aggregate capacity not exceeding the maximum capacity for which such accommodation was provided and notwithstanding anything contained in section 25 (No mains to be laid on bridges except with consent of councils) of this Act the board shall at all times have the same right of entering upon breaking up or interfering with the footways of the bridges referred to in that section for the purpose of inspecting repairing maintaining removing or renewing their mains for which accommodation has been or is to be provided by the council as they have in regard to their mains in a highway:

- (4) The Surrey Council shall in executing Work No. II construct and shall at all times thereafter maintain throughout the lengths of such parts (if any) of the said work as shall respectively be constructed at a height of six feet or upwards above the uppermost part of the thirty-six inch main and the culvert of the board laid under Summer Road subways of sufficient size for the accommodation of the said main and culvert and for admitting to such subways the employees of the board with pipes and materials for purposes of inspection maintenance repair removal and renewal of the said main and culvert together with proper and sufficient means of access to such subways for those purposes:
- (5) Notwithstanding the stopping up of part of Summer Road in the urban district of Esher under the powers of this Part of this Act the board shall continue to be entitled to exercise with reference to the said portion of the said road and the railway now crossing the same on the level the like rights of opening breaking up and interfering with the said portion of road and railway for inspecting maintaining repairing removing or renewing the existing mains pipes valves hydrants syphons plugs or other works or apparatus (all of which are in this section referred to as "apparatus") of the board laid therein or thereunder as they were entitled to exercise before such stopping up:
- (6) Notwithstanding the stopping up temporarily or otherwise of any street under the powers of this Part of this Act the board their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the board situate in or under any such street as they had immediately before the commencement of this Act and shall be at liberty to execute and do all

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such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing such apparatus:

- (7) (a) Not less than one month before commencing Work No. II the Surrey Council shall deliver to the board a plan section and description of such work describing the proposed manner of executing the same and showing the whole of the works proposed to be executed in connection therewith;

(b) The board may at any time within one month of the receipt of such plan section and description by notice in writing intimate to the Surrey Council their disapproval of the proposed manner of executing such work so far as they involve interference with the apparatus of the board or make any reasonable requirement with respect to such plan section or description and in particular they may require the Surrey Council to provide and lay down such works and apparatus as may be reasonably necessary and in cases in which it is reasonably necessary they may require the Surrey Council to remove raise sink or otherwise alter the position of any apparatus and support the same and to substitute temporarily or otherwise other apparatus in such manner as may be reasonably necessary and to lay or place under any apparatus cement concrete or other like substance:

Provided that if the board shall not within the last-mentioned period of one month give any such notice in writing to the Surrey Council as aforesaid they shall be deemed to have approved the plan section and description as submitted;

(c) The Surrey Council shall not construct such work except in accordance with the said plan section and description as approved by the board or settled by arbitration:

- (8) If the exercise by the Surrey Council of the powers of this Part of this Act will endanger any of the apparatus of the board or impede the supply of water supplied by means thereof the Surrey Council shall at their own expense if so required by the board by notice in writing divert raise lower or alter the position of or support or lay or place cement concrete under such apparatus in such manner as the board may reasonably require and under the superintendence (if after reasonable notice in writing from the Surrey Council such superintendence be given)

of the engineer or other officer of the board or any person appointed by such engineer :

PART III.
—cont.

Provided that if the board at the time of giving such notice express their intention themselves to execute any such works as are referred to in this subsection which are agreed or determined to be necessary they may by their own engineer and workmen or contractors execute the same and the Surrey Council shall repay to the board the cost charges and expenses reasonably incurred by the board pursuant to this proviso :

- (9) If in or in consequence of the exercise by the Surrey Council of any of the powers of this Part of this Act the carriageway of any street is widened so as to extend over any apparatus of the board which before such widening was situate under the footway or at the side of the street the board where it is reasonably necessary may relay such apparatus under the altered footway or at the side of the widened street or may lower such apparatus so as to provide adequate protection against vehicular traffic :
- (10) If in the exercise of any of the powers of this Part of this Act the Surrey Council lower or raise the level of any street so as to leave over any apparatus of the board a covering of less than three feet or more than five feet the board may relay such apparatus at such depth that the covering over such apparatus will not be less than such minimum covering or more than such maximum covering or where the apparatus is situate in the carriageway of such street may divert the same under the footway of such street and lay the same at such depth as aforesaid :
- (11) Notwithstanding any other provision of this Part of this Act no apparatus of the board shall be removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of water into or through any apparatus in any manner other than the board shall approve unless and until in any such case such good and sufficient apparatus (hereinafter referred to as " substituted apparatus ") as may be reasonably necessary for continuing the supply of water shall have been first provided laid down and ready for use :
- (12) The Surrey Council shall bear and pay to the board the amount of any expenses reasonably incurred by the board in connection with the removal or any

PART III.
—cont.

alteration of any private communication pipes rendered necessary by reason or in consequence of the exercise by the Surrey Council of the powers of this Part of this Act and shall indemnify the board against all claims and demands by the owners or occupiers of premises supplied by means thereof:

- (13) All works to be executed or provided by the Surrey Council under this section in connection with any apparatus of the board shall subject as hereinafter provided be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Surrey Council such superintendence be given) of the engineer of the board:
- (14) Not less than twenty-one days before commencing the construction of any works to which the last preceding subsection applies the Surrey Council shall give to the board notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within fourteen days after the receipt of such notice the board shall give notice to the Surrey Council of their intention themselves to lay down any substituted apparatus or to execute any other works to or in connection with any apparatus of the board as provided by this section it shall be lawful for the board instead of the Surrey Council to lay down such substituted apparatus or execute such works and the board shall thereupon lay down and execute the same with all reasonable dispatch:
- (15) Where by reason or in consequence of the exercise by the Surrey Council of any of the powers of this Part of this Act any apparatus of the board is rendered derelict or unnecessary the Surrey Council shall pay to the board the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus is provided. Such value shall in case of difference between the board and the Surrey Council be determined by arbitration:
- (16) If in the exercise by the Surrey Council of any of the powers of this Part of this Act any damage to any apparatus or property of the board or any interruption in the supply of water by the board shall be caused the Surrey Council shall bear and pay the cost reasonably incurred by the board in making good such damage and shall make full compensation to the board for any loss sustained by them by reason

of such interruption of supply and shall indemnify the board against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the board by reason or in consequence of any such damage or interruption:

- (17) In the execution by the Surrey Council or the board of any lowering raising alteration or diversion of any apparatus of the board or of any work affecting any such apparatus such temporary support as the board may reasonably require shall be provided by the Surrey Council or the board (as the case may be) for preventing any damage to such apparatus:
- (18) The board shall be at liberty to construct or provide temporary apparatus for preventing any interruption in the supply of water by means of any apparatus which may be interfered with or proposed to be interfered with in the execution (whether by themselves or by the Surrey Council) of any works authorised by this Part of this Act, or to be executed pursuant to this section:
- (19) The Surrey Council shall repay to the board the costs charges and expenses reasonably incurred by the board pursuant to subsections (9) (10) (11) (14) (17) or (18) of this section if such costs charges and expenses have been rendered necessary by or in consequence of the exercise by the Surrey Council of any of the powers of this Part of this Act:
- (20) The Surrey Council shall bear and pay the cost reasonably incurred by the board in the employment of watchmen and inspectors with reference to and during the execution by the Surrey Council of any works affecting or likely to affect any apparatus of the board:
- (21) The expense of all repairs and renewals of any apparatus of the board or any works in connection therewith which may be rendered necessary by or in consequence of the acts and defaults of the Surrey Council their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of any subsidence resulting from the works of the Surrey Council whether during the construction of such works or within twelve months after the completion thereof shall be borne by the Surrey Council and paid by them on demand to the board:

PART III.
—cont.

- (22) Any difference which may arise between the council and the board under this section (other than a difference as to the construction or meaning of this section) shall be referred to arbitration:
- (23) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Part of this Act or of any enactment incorporated therewith to the benefit of which the board would have been entitled if this section had not been enacted.

For
protection of
Gas Light
and Coke
Company.

36. Notwithstanding anything contained in this Part of this Act the following provisions for the protection of the Gas Light and Coke Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company on the one hand and the councils or the Middlesex Council or the Surrey Council (as the case may be) on the other hand have effect:—

- (1) In this section the expression "apparatus" means mains pipes valves stop-cocks or other works or apparatus:
- (2) The company shall be entitled at all times to use free of charge the accommodation for their mains provided by the councils in pursuance of section 58 (For protection of Gas Light and Coke Company) of the Act of 1928 for the laying or placing therein of a main or mains having an internal diameter or internal diameters not exceeding the diameter for which such accommodation was provided:
- (3) Notwithstanding anything contained in section 25 (No mains to be laid on bridges except with consent of councils) of this Act—

(a) the company shall at all times have the right of entering upon breaking up or interfering with the footways of the bridges referred to in that section for the purpose of inspecting repairing maintaining removing or renewing the said mains; and

(b) the company shall have the same rights of inspecting repairing maintaining removing or renewing the two mains of the company now laid in Richmond Bridge or either of those mains and for those purposes of opening and breaking up the carriageway of the said bridge as they had by agreement with the Richmond Bridge Commissioners Provided that the agreement made between the said commissioners and the company

dated the eleventh day of May nineteen hundred and twenty-six shall apply as if both the said mains were referred to therein:

PART III.
—cont.

- (4) Notwithstanding the stopping up temporarily or otherwise of any street under the powers of this Part of this Act the company their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the company situate in or under any such street as they had immediately before the passing of this Act and shall be at liberty to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing such apparatus:
- (5) Any difference which may arise between the councils or either of them and the company under this section (other than a difference as to the construction or meaning of this section) shall be referred to arbitration:
- (6) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Part of this Act or of any enactment incorporated therewith to the benefit of which the company would have been entitled if this section had not been enacted.

37. Notwithstanding anything contained in this Part of this Act the following provisions for the protection of the Hampton Court Gas Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company on the one hand and the councils or the Middlesex Council or the Surrey Council (as the case may be) on the other hand have effect:—

For
protection of
Hampton
Court Gas
Company.

(1) In this section—

The expression "the council" means—

(a) The councils in relation to any works to be executed or powers to be exercised by the councils;

(b) The Middlesex Council in relation to any works to be executed or powers to be exercised by that council; and

(c) The Surrey Council in relation to any works to be executed or powers to be exercised by that council;

The expression "apparatus" means mains pipes valves stop-cocks or other works or apparatus:

PART III.
—cont.

- (2) The company shall make good all damage whatsoever and indemnify the council against any expenses whatsoever incurred or suffered by them by reason of or incidental to or arising out of the laying or construction repair or maintenance of the mains of the company in the accommodation provided in pursuance of section 60 (For protection of Hampton Court Gas Company) of the Act of 1928 or the user thereof or leakage therefrom or other defects therein or otherwise howsoever:
- (3) The company shall be entitled at all times to use free of charge the accommodation for their mains provided as aforesaid for the laying or placing therein of a main or mains having an internal diameter or internal diameters not exceeding the diameter for which such accommodation was provided and notwithstanding anything contained in section 25 (No mains to be laid on bridges except with consent of councils) of this Act the company shall at all times have the right of entering upon breaking up or interfering with the footways of Hampton Court Bridge for the purpose of inspecting repairing maintaining removing or renewing the said mains:
- (4) Notwithstanding the stopping up temporarily or otherwise of any street under the powers of this Part of this Act the company their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the company situate in or under any such street as they had immediately before the passing of the Act of 1928 and shall be at liberty to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing such apparatus:
- (5) If the exercise by the council of the powers of this Part of this Act will endanger any of the apparatus of the company or impede the supply of gas supplied by means thereof the council shall at their own expense if so required by the company by notice in writing divert raise lower or alter the position of or support or lay or place cement concrete or other protective substance under or over such apparatus in such manner as the company may reasonably require and under the superintendence (if after reasonable notice in writing from the council such superintendence be given) of the engineer or other officer of the company or any person appointed by such engineer:

Provided that if the company at the time of giving such notice express their intention themselves to

execute any such works as are referred to in this subsection which are agreed or determined to be necessary they may by their own engineer and workmen or contractors execute the same and the council shall repay to the company the expenses reasonably incurred by the company pursuant to this proviso:

PART III.
—cont.

- (6) Any difference which may arise between the council and the company under this section (other than a difference as to the construction or meaning of this section) shall be referred to arbitration.

38.—(1) The Postmaster-General shall be entitled at all times to use free of charge the accommodation for his telegraphic lines provided in pursuance of section 44 of the Act of 1928 under the footways of the bridges (Works Nos. 2 6 and 8) authorised by that Act.

For
protection of
Postmaster-
General.

(2) The Surrey Council in constructing the bridge (part of Work No. 11) authorised by this Part of this Act shall provide under the footway of the said bridge a space eighteen inches wide by twenty-four inches deep for the accommodation of telegraphic lines of the Postmaster-General. The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General. Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Surrey Council his disapproval thereof he shall be deemed to have approved the same. Provided further that any extra expense which the Surrey Council may reasonably incur in complying with the provisions of this section shall be borne and paid by the Postmaster-General.

39.—(1) Where any bridge or work to which section 15 (Vesting and maintenance of bridges and roads) of this Act applies or any work constructed by the councils under this Part of this Act and being a bridge or work situate wholly or partially in on over or under the river below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of War Transport or the port authority may by notice in writing either require the Councils at their own expense to repair and restore such part of such bridge or work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the said Minister or the port authority may think proper.

Abatement
of work
abandoned
or decayed
Part III.

(2) Where any part of any such bridge or work which has been abandoned or suffered to fall into decay is situate above

PART III.
—cont.

high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the said Minister or the port authority may include any such part of such bridge or work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the councils they have failed to comply with such notice the said Minister or the port authority may execute the works required to be done by the notice at the expense of the councils and the amount of such expense shall if the works have been executed by the said Minister be a debt due from the councils to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt and if the works have been executed by the port authority be recoverable summarily as a civil debt.

For
protection of
Richmond
Main
Sewerage
Board.

40. The following provisions for the protection of the Richmond Main Sewerage Board (in this section called "the board") shall unless otherwise agreed in writing between the councils and the board apply and have effect:—

- (1) The councils shall be liable to make good all injury or damage to any of the sewers of the board caused by or resulting from any of their works or operations made under the Act of 1928 or this Part of this Act:
- (2) Nothing in this Part of this Act shall empower the councils to connect any drain or other work for the drainage of the works authorised by or vested in the councils under the Act of 1928 or this Part of this Act with any of the sewers of the board or with the sewers of any authority communicating directly or indirectly with the sewers of the board:
- (3) Any difference under the provisions of this section between the councils and the board shall be determined by arbitration the arbitrator unless otherwise agreed being appointed on the application of either party (after notice to the other) by the Minister.

PART IV.

SEWERAGE.

Definitions
&c. in
Part IV.

41.—(1) In this Part of this Act unless the subject or context otherwise requires—

"West Middlesex constituent district" means each of the boroughs and districts included in the West Middlesex district;

- “ East Middlesex constituent district ” subject to subsection (3) of this section means each of the boroughs and districts and parts of boroughs and districts included in the East Middlesex district;
- “ constituent district ” means either a West Middlesex constituent district or an East Middlesex constituent district;
- “ the West Middlesex undertaking ” means the undertaking and works authorised by the Act of 1931 or by this Part of this Act in or in respect of the West Middlesex district; 21 & 22 Geo. 5.
c. xxxii.
- “ the East Middlesex undertaking ” means the undertaking and works authorised by the Act of 1938 or by this Part of this Act in or in respect of the East Middlesex district;
- “ the 1931 plans ” “ the 1931 sections ” and “ the 1931 book of reference ” mean respectively the plans sections and book of reference deposited in respect of the Bill for the Act of 1931;
- “ the 1938 plans ” “ the 1938 sections ” and “ the 1938 book of reference ” mean respectively the plans sections and books of reference deposited in respect of the Bill for the Act of 1938;
- “ district ” includes a county district outside the county and “ local authority ” includes the council of such district;
- “ highway authority ” means as respects any street the authority (whether the council of a county or borough or district) by whom the street is repairable and in the case of a trunk road the Minister of War Transport;
- “ bridge authority ” means—
- (a) in the case of a county bridge the council of the county in which the bridge is situate;
- (b) in the case of a bridge which carries a highway repairable by the inhabitants at large but is not a county bridge the council who are the highway authority in respect of that highway;
- “ disused works ” means any sewage disposal works or other works of a local authority which as regards the West Middlesex district have been disused and as regards the East Middlesex district will no longer be required by the local authority (except for the purpose of treating or dealing with such portion of the sewage of their district as may not be received into the sewers of the Council under the provisions

PART IV.
—cont.16 & 17 Vict.
c. clxvi.

of this Act) in consequence of the sewage of their district or part thereof being received into the sewers of the Council in pursuance of section 71 (Disposal of sewage by the Council) of this Act;

“ the intercepting drain ” means the drain or sewer constructed under powers conferred by the East London Waterworks Act 1853 commencing in the urban district of Enfield near Ponders End railway station and terminating in the borough of Tottenham by a junction with the Lee navigation at or near the tail of Tottenham Lock;

“ sinking fund payments ” means the charges for the repayment of loans whether by means of a sinking fund or otherwise.

(2) (a) The district comprising the areas in the county which are mentioned in Part I of the Second Schedule to this Act shall be called the “ West Middlesex sewerage district ” and is in this Act referred to as the “ West Middlesex district.”

(b) The district comprising the areas in the counties of Middlesex Essex and Hertford which are mentioned in Part II of the Second Schedule to this Act shall be called the “ East Middlesex sewerage district ” and is in this Act referred to as the “ East Middlesex district.”

(c) In this Act “ the sewerage districts ” means the West Middlesex district and the East Middlesex district.

(3) For the purposes of section 71 (Disposal of sewage by the Council) section 72 (Liability for disused works) section 73 (Agreements with local authorities in sewerage districts) section 75 (Agreements for transfer of sewers) section 81 (Varying existing agreements) and section 78 (Existing officers) of this Act the Tottenham and Wood Green Joint Drainage Committee (until the said committee are dissolved) shall be deemed to be a local authority and the area the sewerage system of which is under the control of that committee shall (subject to the provisions of this Act) be deemed to be a constituent district of which that committee are the local authority:

Provided that for the purposes of the said sections 71 73 and 81 the mayor aldermen and burgesses of the borough of Tottenham and the mayor aldermen and burgesses of the borough of Wood Green shall be deemed to be local authorities of constituent districts in addition to the said committee.

(4) For the purposes of this Part of this Act—

the expression “ population ” in relation to any constituent district means the population thereof as estimated by the Registrar-General in his last estimate

for the time being and in relation to a part of a constituent district means the estimated number of persons residing therein; and

PART IV.
—cont.

the expression "dry weather flow" in relation to the sewage of any area means the flow of sewage discharged from such area on the basis of forty gallons per head of the population thereof discharged throughout the twenty-four hours.

42. Subject to the provisions of this Part of this Act the Council may continue maintain work and use the West Middlesex undertaking or any part thereof together with all necessary and proper works and conveniences connected therewith for the purposes of this Part of this Act and may extend enlarge alter reconstruct renew and remove any of the works and construct additional sewers as and when occasion may require.

Power to maintain West Middlesex undertaking.

43.—(1) Subject to the provisions of this Part of this Act the Council may hold the lands hereinafter referred to and may use the same for the purposes of receiving storing disinfecting distributing treating or otherwise disposing of sewage and they may continue erect make provide lay down and maintain in on and over those lands such works and conveniences as they think requisite for the purposes aforesaid and they may discharge or permit to flow into the river Thames any effluent or storm or other waters passing over or through or discharged from the said lands or the works of the Council and may discharge or permit to flow into tributaries of the river Thames and other streams storm or other waters passing through their sewers.

West Middlesex sewage lands and discharge of effluent.

(2) The lands hereinbefore referred to are edged respectively mauve and brown on maps "A" and "B" each signed in triplicate by Major James Milner the chairman of the committee of the House of Commons to whom the Bill for this Act was referred and comprise—

- (i) The lands described in section 12 of the Act of 1931; and
- (ii) The lands in the borough of Heston and Isleworth referred to in the County Council of Middlesex Sewage Works Site (Compulsory Purchase) Order 1931 and in the County Council of Middlesex Sewage Works Site (Compulsory Purchase) Order 1933.

(3) The Council may use for any purpose for which they are or may be for the time being authorised to use land any part of the lands referred to in this section which is not for the time being required for the purposes of this section.

PART IV.
—cont.

(4) Nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to
make
authorised
works.

44. Subject to the provisions of this Part of this Act the Council may enter upon take and use all or any of the lands delineated upon the 1938 plans and described in the 1938 book of reference and may make maintain renew enlarge work and use in and according to the lines situations and levels shown on the 1938 plans and sections the works hereinafter described together with all necessary and proper works and conveniences connected therewith (that is to say):—

Work No. 1 Sewage purification and disposal works comprising sewage tanks storm water tanks pumping stations and other works in the borough of Edmonton on the lands referred to in paragraph (a) of subsection (2) of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act;

Work No. 2 A sewer in the urban district of Barnet the boroughs of Hendon and Finchley the urban district of Friern Barnet and the boroughs of Wood Green Southgate and Edmonton commencing at the sewage works of the Barnet Urban District Council and terminating at Work No. 1;

Work No. 2A A sewer in the urban district of East Barnet and the borough of Southgate commencing at the sewage works of the East Barnet Urban District Council and terminating by a junction with Work No. 2 in Bowes Road;

Work No. 2B A sewer in the boroughs of Wood Green Tottenham and Edmonton commencing in Vincent Road and terminating by a junction with Work No. 2 in the Great Cambridge Road;

Work No. 2C A sewer in the urban district of Enfield and the boroughs of Southgate and Edmonton commencing at a point about 500 yards north of Grange Park railway station and terminating by a junction with Work No. 2 in the Great Cambridge Road;

Work No. 3 A sewer in the borough of Edmonton commencing at the sewage works of the Enfield Urban District Council and terminating at Work No. 1;

Work No. 3A A sewer in the urban district of Enfield and the borough of Edmonton commencing at Work No. 6 and terminating by a junction with Work No. 3 at the sewage works of the Enfield Urban District Council;

Work No. 4 A sewer in the boroughs of Tottenham and Edmonton commencing at the sewage works of the Tottenham and Wood Green Joint Drainage Committee and terminating at Work No. 1;

Work No. 4A A sewer in the boroughs of Chingford and Edmonton commencing at the sewage works of the Chingford Corporation and terminating by a junction with Work No. 4 at or near Work No. 1;

Work No. 5 A pumping main in the urban district of Enfield and in the borough of Edmonton commencing at Work No. 6 and terminating at Work No. 1;

Work No. 6 Sludge tanks and drying beds and other works in the urban district of Enfield on the lands referred to in paragraph (b) of subsection (2) of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act;

Work No. 6A A diversion of the small river Lee and other works in the urban district of Enfield on the lands referred to in the last-mentioned paragraph (b);

Work No. 7 A sewer in the urban districts of Waltham Holy Cross and Enfield commencing at the sewage works of the Waltham Holy Cross Urban District Council and terminating by a junction with Work No. 3A at or near Work No. 6;

Work No. 7A A sewer in the urban district of Enfield lying entirely within the site of the sewage works of the Cheshunt Urban District Council and terminating by a junction with Work No. 7;

Work No. 8 A sewer in the urban districts of Cheshunt and Enfield commencing near the bridge which carries Burntfarm Ride over the Cuffley Brook and terminating by a junction with Work No. 3A near Albany Park.

45. In constructing the works authorised by this Part of this Act and shown on the 1938 plans the Council may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on those plans (and where in any street no such limits are shown the boundaries of such street shall be deemed to be such limits) and from the levels thereof as shown on the 1938 sections to any extent not exceeding five feet upwards and to any extent downwards. Power to deviate.

46.—(1) Subject to the provisions of this Part of this Act the Council in connection therewith and for the purposes Power to make subsidiary works.

PART IV.
—cont.

thereof may execute or do any of the following works or things (namely):—

- (a) Execute any works for the protection of any land or buildings near to the works comprised in the West Middlesex undertaking or the East Middlesex undertaking;
- (b) Execute any works and do any things necessary for the strengthening and supporting of any walls of such buildings; and
- (c) Raise lower alter divert stop up or otherwise interfere with any tramway drain sewer channel or gas or water main or pipe or electric line wire or apparatus the Council providing a proper substitute before interrupting the traffic on any such tramway or the flow of sewage in any drain sewer or channel or of any gas or water in any main or pipe or of electricity or telephonic communication in any line wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Council shall not raise lower alter divert stop up or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

47.—(1) Subject to the provisions of this Part of this Act the Council may enter upon take and hold the lands hereinafter referred to and may use the same for the purpose of receiving storing disinfecting distributing treating or otherwise disposing of sewage and they may erect make provide lay down and maintain in on and over those lands such works and conveniences as they think requisite for the purposes aforesaid and they may discharge or permit to flow—

- (a) into the Salmon Brook any effluent or storm or other waters passing over or through or discharged from the lands referred to in paragraph (a) of subsection (2) of this section; and
- (b) into the river Lee and Dollis Brook and the tributaries thereof respectively and into other streams storm or other waters passing through their sewers other than sewers on the said lands referred to in the said paragraph (a);

but shall not discharge or permit to flow any storm or other waters into the river Lee or any tributary thereof above any of the points at which water is abstracted from that river by the Metropolitan Water Board for the purpose of supply to any other person:

Provided that the lands referred to in paragraph (b) of subsection (2) of this section shall not be used for any of the purposes referred to in this subsection other than the receiving storing disinfecting distributing treating or otherwise disposing of sludge and other products resulting from the sedimentation of sewage.

(2) The lands hereinbefore referred to are described in section 12 of the Act of 1938 and are—

(a) the lands referred to in paragraph (a) of subsection (2) of that section and edged green on map " C " signed in triplicate by Major James Milner the chairman of the committee of the House of Commons to whom the Bill for this Act was referred; and

(b) the lands referred to in paragraph (b) of the said subsection (2) and edged blue on map " D " signed in triplicate by the said chairman.

(3) Subject to the proviso to subsection (1) of this section the Council may use for any purpose for which they are or may be for the time being authorised to use land any part of the lands referred to in this section which is not for the time being required for the purposes of this section.

(4) Nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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

(2) As regards any lands in respect of which the Council have acquired easements or rights only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but subject to such easements or rights and to the provisions of section 85 (Application of section 25 of Act of 1936) of this Act and to any agreement between the Council and the owners or occupiers of such lands the owners or occupiers thereof shall at all times after the completion of the works have the same rights of obtaining access to and passing over and using such lands as if this Act had not been passed.

PART IV.
—cont.Easements
only in
respect of
common land.

49.—(1) Notwithstanding anything contained in this Act the Council shall not acquire any part of the common lands in the urban district of Waltham Holy Cross known as Town Mead and numbered 3 on the 1938 plans but in pursuance of section 48 (Acquisition of easements) of this Act they may acquire such easements and rights in such lands as they may require for the purposes mentioned in that section.

(2) Except where manholes are provided the surface of such common lands which may be disturbed by reason of any easement or right acquired under this Act shall as soon as practicable be restored by the Council to its former condition.

Correction
of errors in
deposited
plans and
book of
reference.

50. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the 1938 plans or specified in the 1938 book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which the land is situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the county council of such county and a duplicate thereof shall also be deposited with the clerk of the council of the district in which the lands affected are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the said plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Benefits to
be set off
against
compensation.

51. In determining the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the works authorised by this Part of this Act or any of them shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensa-
tion in case
of recently
acquired
interest.

52. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of March nineteen hundred

and thirty-eight if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

PART IV.
—cont.

53. In lieu of section 92 of the Lands Clauses Consolidation Act 1845 the following provision shall have effect in reference to the properties whereof the whole or part is referred to in the Third Schedule to this Act:—

As to taking parts of certain properties.

No person shall be required to sell a part only of any house building or factory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal by whom compensation is to be assessed determine that in the case of a house building or factory such part as is proposed to be taken can be taken without material detriment to the house building or factory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Council that part of the house building factory park or garden.

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

Power to enter upon property for survey and valuation.

55. At any time after notice to treat has been served for any land (not being land on which a house is erected) or for an easement or right in any land which the Council are by this Part of this Act authorised to purchase compulsorily the Council may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the

Further powers of entry.

PART IV.
—cont.

notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with:

Provided that in the case of land actually under cultivation as part of an agricultural or small-holding the length of notice to be given under this section shall be twenty-eight days.

Extinction
of private
rights of
way.

56.—(1) All private rights of way over any lands which the Council are authorised by this Part of this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished except to the extent to which the Council shall by resolution otherwise determine.

(2) Provided that the Council shall make full compensation to all persons interested in respect of any such rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts.

Power to
Council to
make
agreements
with owners
of property
&c.

57. The Council may subject to the provisions of this Part of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the works by this Act authorised or of the lands which the Council may acquire under the powers of this Part of this Act with respect to the sale by the Council to such person of any lands or property for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Council for the purposes of this Part of this Act.

Persons under
disability
may grant
easements
&c.

58. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Part of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rents and charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for
compulsory
purchase
of lands.

59. The powers of the Council for the compulsory purchase under the provisions of this Part of this Act of the lands shown on the 1938 plans or of easements in respect of those

lands shall cease at the expiration of three years from the first day of October nineteen hundred and forty-four or two years after the termination of the period for which the Emergency Powers (Defence) Act 1939 is in force whichever is the later.

PART IV.

—cont.

2 & 3 Geo. 6.
c. 62.

60. Subject to the provisions of this Part of this Act the Council may within the limits of deviation shown on the 1931 plans and the 1938 plans respectively make maintain renew enlarge and work all such sewers drains conduits culverts penstocks excavations manholes ventilators flushing stations shafts tanks overflows and other works and conveniences connected with the works shown on the said plans as they may deem necessary.

Power to
make general
works.

61.—(1) Any material excavated by the Council in the construction of works under the powers of this Part of this Act shall (in the case of lands other than those forming part of a highway) absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they think fit and in the case of material excavated by the Council from any road under the jurisdiction of any highway authority may be applied by the Council so far as may be necessary in or towards the reinstatement of the road.

As to
material
excavated in
construction
of sewers.

(2) If the highway authority require the whole or any part of any surplus material excavated by the Council from any road under the jurisdiction of such authority (not used in or towards the reinstatement of the road) they may give notice thereof to the Council not later than seven days after the Council have intimated to them that there will be surplus material available for them and in such notice they shall specify the quantity of such surplus material they require and the place at which they require it to be delivered not being more than one mile from the place at which it is brought to the surface and the Council shall deliver surplus material in accordance therewith at such times as they may find convenient.

(3) Any surplus material in respect of which no notice is given by a highway authority in pursuance of this section shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they may think fit.

(4) The Council shall not unload throw or put or otherwise dispose of any material excavated by the Council—

(a) into the Lee navigation or the river Lee or any of its tributaries or on the banks thereof respectively except with the consent of the conservancy board;

PART IV.
—cont.

- (b) into any part of the main river of the catchment board or on the banks thereof except with the consent of that board;
- (c) into any part of the Grand Union Canal or the Brent feeder or the Ruislip feeder or any other feeder or watercourse of the canal company or on the banks thereof respectively without the consent of the canal company; or
- (d) into the part of the river Thames which is within the jurisdiction of the port authority except with the consent of that authority.

The consent of the conservancy board the catchment board the canal company or the port authority under this subsection shall not be withheld unreasonably and any question which may arise as to whether their consent is withheld unreasonably shall be determined by arbitration.

Breaking up
of streets.

62. For the purpose of making maintaining renewing or enlarging any works under the powers of this Part of this Act the Council (subject to the provisions of this Act) may open and break up any street in under across or over which any of such works are authorised to be constructed:

Provided that where they open or break up any such street they shall be subject to the following obligations:—

- (1) They shall with all convenient speed complete the work on account of which they open or break up the street and subject to the making and maintenance of the said work fill in the ground and make good the surface and restore the portion of the street to as good a condition as that in which it was before it was opened or broken up and clear away all surplus paving or metalling material or rubbish occasioned thereby:
- (2) They shall in the meantime cause the place where the street is opened or broken up to be fenced and watched and to be properly lighted at night.

Power
temporarily
to stop up
or interfere
with
streets &c.

63.—(1) For the purposes of exercising the powers of this Part of this Act the Council may subject to the provisions of this Part of this Act temporarily stop up or interfere with alter or divert all or any part of any street road footpath way place bridge wharf tramway stream or watercourse as they shall think necessary and may put up or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such street road footpath way place bridge wharf tramway stream or watercourse open for traffic and they may temporarily remove and alter any drinking troughs lamp-posts and other erections thereon.

(2) When exercising the powers of this section in reference to any street road footpath way place bridge wharf or tramway the Council shall cause the works to be adequately lighted and guarded and on the completion of the works shall restore and make good any damage done.

(3) (a) The Council shall not exercise the powers conferred by subsection (1) of this section in relation to any street road footpath way place bridge wharf tramway stream or water-course drinking trough lamp-post or other erection vested in or repairable by a local authority a highway authority or a bridge authority or vested in or under the jurisdiction of the port authority the conservancy board the catchment board or the canal company except with the previous consent in writing of that authority board or company which consent shall not be unreasonably withheld and may be given subject to reasonable conditions.

(b) Any question which may arise as to whether the consent of any authority board or company under this subsection is unreasonably withheld or as to whether any conditions are unreasonable shall be determined by arbitration.

(4) Whilst exercising the powers of this section in reference to any street the Council shall provide reasonable access for all persons bona fide going to or returning from any house in such street and where practicable for vehicles bona fide driven to or from any house in such street and shall in each case do as little damage as possible and shall make full compensation to all persons injuriously affected by the exercise of the powers of this section.

(5) The powers of this section shall not be exercised so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from a railway station or depot of any railway company or a railway station depot garage or other premises of the transport board.

64. Except so far as may be otherwise agreed in writing between the Council and the highway authority or local authority (each of which is in this section referred to as an "authority") the following provisions shall apply and have effect with respect to the execution of any work by the Council under the powers of this Part of this Act in the county or borough or district of the authority:—

For
protection of
certain
authorities.

(1) At least fourteen days before opening or breaking up the surface of any street vested in an authority for the purpose of executing maintaining renewing or enlarging any work under or in pursuance of this Part of this Act or of the powers of the Act of 1936 exercisable by the Council in pursuance of this Act or

PART IV.
—cont.

before interfering with any sewer vested in an authority the Council shall give to such authority notice thereof and shall at the same time send to them for their reasonable approval such plans and sections as may be reasonably necessary and the work shall not be executed except in accordance with plans and sections approved by the authority or determined by arbitration:

Provided that if within fourteen days after submitting the plans and sections to an authority that authority do not express to the Council their disapproval thereof and their objections thereto they shall be deemed to have approved thereof:

- (2) No such street or sewer shall except in cases of emergency be opened broken up or interfered with except under the superintendence of the authority (if such superintendence be given):
- (3) The Council during the execution of any works which interfere with any such sewer shall make such temporary or other works as the authority may reasonably require for guarding against any interruption of the drainage:
- (4) When the Council open or break up any such street or sewer they shall with all convenient speed complete the work for which the same shall be broken up and fill in the ground and reinstate and make good the pavement or the sewer to as good a condition as that in which it was before it was opened or broken up or interfered with and clear away all surplus paving or metalling material or rubbish occasioned thereby and shall in the meantime cause the same to be fenced and guarded and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up:
- (5) If the Council make any delay in completing any such work or in filling in the ground or reinstating and making good the street pavement or sewer so opened or broken up or interfered with the authority may cause the work so delayed or omitted to be executed and the expense of executing the same shall be repaid to the authority by the Council:
- (6) After reinstating any part of any such street broken up in pursuance of the powers of this Part of this Act the Council shall keep the same in good repair

PART IV.
—cont.

of all the West Middlesex constituent districts sewage from which is for the time being received by the Council or of such increased capacity as shall be reasonably required by the port authority for the treatment on the lands referred to in the said section 43 of this Act of all flows in excess of a rate equal to three times the daily dry weather flow.

(b) In connection with Work No. 7 authorised by the Act of 1931 suitable inspection chambers shall be maintained in suitable positions for the purpose of enabling the port authority's officers or servants to take samples of the effluent and proper facilities shall at all times be afforded by the Council for that purpose.

(3) (a) There shall be constructed and used in connection with Work No. 1 by this Part of this Act authorised storm water tanks capable of holding a volume of storm water equivalent to the volume of sewage resulting from the continuous discharge for a period of six hours of the dry weather flow of all the East Middlesex constituent districts sewage from which is for the time being received by the Council or of such increased capacity as shall be reasonably required by the conservancy board for the treatment on the lands referred to in the said section 47 of this Act of all flows in excess of a rate equal to three times the daily dry weather flow.

(b) In the carrying out of Work No. 1 by this Part of this Act authorised a suitable inspection chamber shall be constructed in a suitable position for the purpose of enabling the conservancy board's officers or servants to take samples of the effluent and proper facilities shall at all times be afforded by the Council for that purpose.

(4) Any question which may arise between the Council and the authority under this section shall be determined by arbitration the arbitrator unless otherwise agreed being appointed on the application of either party (after notice to the other) by the Minister.

(5) In this section the expression "the authority" means as respects any effluent discharged in pursuance of section 43 (West Middlesex sewage lands and discharge of effluent) of this Act the port authority and as respects any effluent discharged in pursuance of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act the conservancy board.

(6) The standard of purity prescribed by this section is as follows:—

The effluent shall not contain more than three parts of suspended matter per hundred thousand parts and (including its suspended matters) it shall not take up more

for three months thereafter and for such further time (if any) not being more than twelve months in the whole as the soil broken up shall continue to subside:

- (7) Any difference which may arise between an authority and the Council under the provisions of this section shall be referred to arbitration:
- (8) The provisions of this section shall with any necessary alterations extend and apply to the opening or breaking up of and interfering with bridges:

Provided that for the purposes of such extension and application references to the bridge authority shall be substituted for references to the highway authority and that at least twenty-eight days' notice shall be given by the Council before opening or breaking up the surface of any bridge and that the bridge authority shall not be deemed to have approved any plans and sections until the expiration of twenty-eight days from the receipt thereof.

65.—(1) All sewage (including storm and other waters) received by the Council— Purity of effluent.

(a) on the lands referred to in section 43 (West Middlesex sewage lands and discharge of effluent) of this Act up to a rate of flow equal to three times the daily dry weather flow of the sewage of all the West Middlesex constituent districts the sewage of which is for the time being received by the Council; and

(b) on the lands referred to in section 47 (East Middlesex sewage lands and discharge of effluent) of this Act up to a rate of flow equal to three times the daily dry weather flow of the sewage of all the East Middlesex constituent districts the sewage of which is for the time being received by the Council;

shall be so treated that the effluent discharged in pursuance of those sections respectively when tested according to a method agreed between the Council and the authority hereinafter defined or failing agreement determined by the Minister shall conform to the standard of purity prescribed by this section:

Provided that the standard of purity prescribed by this section may from time to time be improved and the method of testing may from time to time be varied by agreement between the Council and the authority or failing agreement by the Minister.

(2) (a) There shall be maintained and used in connection with Work No. 1 authorised by the Act of 1931 storm water tanks capable of holding a volume of storm water equivalent to one quarter of the daily dry weather flow of the sewage

than two parts of dissolved oxygen per hundred thousand parts in five days at a temperature of sixty-five degrees Fahrenheit.

PART IV.
—cont.

(7) The provisions of this section shall not apply to any sewage from the boroughs of Edmonton and Southgate until the sewage of any other East Middlesex constituent district or any part thereof is received into a sewer of the Council in pursuance of section 71 (Disposal of sewage by the Council) of this Act.

66.—(1) In the event of the Council in pursuance of section 43 (West Middlesex sewage lands and discharge of effluent) or of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act allowing to pass into the river Thames or (as the case may be) into the Salmon Brook any effluent which does not comply with the standard specified in the last preceding section or such improved standard as may from time to time be required in pursuance of that section they shall be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds. Penalty for pollution.

(2) The following provisions shall be applicable to so much of section 65 (Purity of effluent) of this Act as relates to the effluent discharged by the Council from the lands referred to in paragraph (b) of subsection (1) of that section:—

(a) It shall not be competent for any person other than the conservancy board or some person authorised by them to institute or carry on any proceeding or prosecution under the provisions of this section;

(b) Whenever in consequence of any proceedings under this section instituted by the conservancy board a pecuniary penalty is inflicted the amount of such penalty shall be payable and paid to the conservancy board and applied by them in the manner prescribed by section 144 of the Lee Conservancy Act 1868.

31 & 32 Vict.
c. cliv.

67.—(1) In addition to their powers under this Part of this Act the Council shall have and may exercise the powers of a local authority under the following provisions and for that purpose those provisions shall apply as if the Council were a local authority and as if the county and so much of the sewerage districts as is for the time being outside the county were their district (namely):—

Application
of Public
Health Acts.

Public Health Act 1875—

Section 303 (Power to repeal and alter local Acts):

Public Health Act 1936—

Section 15 (Provision of public sewers and sewage disposal works) except paragraph (ii) of subsection (1);

PART IV.
—cont.

Section 16 (Notices to be given before constructing public sewers or sewage disposal works outside district);

Section 23 (General duty of local authority to maintain public sewers); and

Section 306 (Compulsory purchase of land by means of Provisional Order);

and when exercising the powers of a local authority under the said provisions of the Act of 1936 the Council shall be under the same obligations as a local authority are under when exercising those powers.

(2) The Council may if they think fit use the powers contained in the provisions referred to in subsection (1) of this section for the purposes of—

(a) maintaining renewing and enlarging the works comprised in the West Middlesex sewerage undertaking and where necessary of varying the position of those works; and

(b) making maintaining renewing and enlarging the sewers authorised by this Part of this Act and where necessary of varying the position of those sewers;

and for the purpose of making maintaining renewing and enlarging such further works as may be necessary to enable the Council to take and dispose of the sewage of the sewerage districts and of the district of any local authority with whom an agreement is made under section 74 (Agreements between Council and local authorities) of this Act:

Provided that the Council shall not use the powers contained in the provisions referred to in subsection (1) of this section for the purpose of making any part of a sewer authorised by section 44 (Power to make authorised works) of this Act in on or over any land not forming part of a street unless on the report of either the engineer appointed by the Council for the construction of the sewer referred to in the report or of the county surveyor it appears expedient to construct such part of a sewer under the powers contained in those provisions.

20 & 21 Geo. 5.
c. 50. (3) The Public Works Facilities Act 1930 shall have effect as if this Act had been in force immediately before the commencement of that Act.

(4) Nothing in the Act of 1936 shall affect the powers and duties of the Council with respect to sewers and sewage disposal under this Act or impose on local authorities any obligations with respect to sewers or sewage disposal from which they are relieved by this Act but the foregoing provisions of this section shall not prejudice or affect the right of any local

authority to exercise the powers of the Public Health Acts nor shall those provisions authorise the Council to interfere with the sewers of a local authority.

PART IV.
—cont.

68. Where a sewer is provided by the Council under the Act of 1936 the Council may subject to the provisions of section 287 of that Act enter upon any lands for the purpose of gaining such access as may be reasonably necessary for enabling any sewer of the Council laid in such land to be repaired altered renewed or removed.

Access to
sewers.

69. Subject to the provisions of this Part of this Act the Council shall be responsible for the provision and for the maintenance and cleansing of the sewers authorised by section 44 (Power to make authorised works) of this Act for the conveyance of sewage from the sewers of the local authority for any constituent district to the sewage disposal works of the Council.

As to duties
of Council
with regard
to provision
of sewers.

70.—(1) The Council shall exercise the powers of this Part of this Act relating to the East Middlesex undertaking so as to be in a position to receive and dispose of the sewage from the whole of the East Middlesex district by the first day of October nineteen hundred and fifty-two or such later date not being later than the first day of October nineteen hundred and fifty-four as may be allowed by the Minister.

Completion
of East
Middlesex
sewerage
works.

(2) If the works authorised by this Part of this Act and shown on the 1938 plans and sections are not completed on the first day of October nineteen hundred and fifty-four the powers granted by this Part of this Act for constructing the same or otherwise in relation thereto shall cease except as to so much of such works as shall then be completed and thereafter section 93 (Expenses of Part IV) of this Act in its relation to expenses incurred in respect of the East Middlesex undertaking shall be limited in its operation to that part of the East Middlesex district which comprises those areas in that district the sewage of which can be received into the sewers of the Council without the construction of additional sewers:

Provided that the Council may extend enlarge alter reconstruct renew and remove any of the works and construct additional sewers as and when occasion may require.

(3) Any question which may arise between the Council and any local authority under this section shall unless otherwise agreed be determined by the Minister.

71.—(1) The sewage conveyed in the sewers of the local authority of any West Middlesex constituent district which have been or shall hereafter be made to communicate with the West Middlesex undertaking shall be received and disposed of by means of such undertaking.

Disposal of
sewage by
the Council.

PART IV.
—cont.

(2) The Council shall give notice to the local authority of each East Middlesex constituent district of the date when they will be in the position to receive and dispose of the sewage of such district and shall make such alterations in the sewers and sewerage system of such authority as may be necessary in order that the sewers conveying the sewage of such district or part thereof may communicate with the Council's sewers and that such sewage may be received in the Council's sewers and disposed of by means of the Council's works and the local authority shall afford to the Council such facilities as the Council may require to enable them to make such alterations and such sewage shall thereupon be received and disposed of accordingly.

(3) The alterations to be made in the sewers and sewerage system of a local authority in pursuance of subsection (2) of this section shall be such as may be agreed between the Council and the local authority or failing agreement determined by the Minister.

(4) The number of communications to be made between the sewers of a local authority and those of the Council shall be as few as may be reasonably practicable.

(5) The local authority for any constituent district or any part thereof from which the sewage is received into a sewer of the Council in pursuance of this section shall not be responsible for the disposal of the sewage thereof or of such part (as the case may be) but nothing in this Act shall relieve such local authority of any obligation to cause to be made such public sewers as may be necessary for effectually draining their district.

(6) Any local authority proposing to construct any new sewer for the purpose of bringing the sewage of their district or any part thereof into any sewer of the Council by a new communication with such last-mentioned sewer shall two months at least before they commence the construction of such new sewer send to the Council plans and sections of so much thereof as shall directly communicate with the works of the Council and so much of such sewer as aforesaid shall be constructed only in accordance with plans and sections reasonably approved by the Council and shall be executed under their supervision and to their reasonable satisfaction.

(7) Any communication between a sewer of a local authority and a sewer of the Council (in the case of a sewer in the East Middlesex district) after the sewers of such local authority have been made to communicate with the sewers of the Council in pursuance of subsection (2) of this section or (in the case of a sewer in the West Middlesex district) at any time after the commencement of this Act shall be made by the

Council at the expense of the local authority and all communications with the sewers of the Council shall be wholly under the control of the Council who shall be at liberty at their own cost at any time to alter the same in a manner agreed between the Council and the local authority or failing agreement determined by the Minister:

Provided that a communication between a sewer of a local authority and a sewer of the Council made under this subsection may if reasonably necessary be made subject to the condition that it is to be regarded as a temporary communication and in that case when owing to the development of the area wholly or partly drained by the sewer of the local authority or for any other reason a more permanent communication with a sewer of the Council at such other point as may be reasonably determined by them is in their reasonable opinion required the cost of stopping up the temporary communication and of providing the permanent communication shall be borne by the local authority:

(8) (a) Notwithstanding anything contained in this Act the Council (except so far as may be otherwise provided) shall not be under obligation to receive or to dispose of sewage from a constituent district or any part thereof at a greater rate than the rate of six times the dry weather flow of the sewage of such district or part thereof but the Council may if they think fit undertake to receive and dispose of sewage at a greater rate.

(b) If the local authority for any constituent district shall be of opinion that the Council have refused unreasonably to receive and dispose of the sewage of their district at a greater rate than that mentioned in this subsection they may appeal to the Minister who upon such appeal may direct the Council to receive and dispose of the sewage of such district at such greater rate and the Council shall comply with any such direction.

(c) In calculating the quantity of sewage from a constituent district to be received by the Council under this section an adjustment shall be made in respect of the sewage which is received into the sewers of such constituent district from the sewers of another district and in respect of the sewage from such constituent district which is discharged into the sewers of another district whether in pursuance of an agreement under section 28 of the Act of 1936 or any similar enactment or under that section or similar enactment as amended in its application to the sewers of the Council by subsection (10) of this section.

Any difference between the Council and the local authority of a constituent district as to the nature and extent of any such adjustment shall be referred to and determined by the Minister.

PART IV.
—cont.

(9) A local authority shall not be entitled to cause or permit to pass from any of their sewers into any sewer of the Council any liquid matter substance or thing which would be injurious to the construction use repair inspection or efficiency of the sewers or works of the Council or which would cause or be likely to cause silting up corrosion or decay of the materials thereof or accidents thereto or which would interfere unduly with the treatment or disposal of sewage by the Council unless such liquid matter substance or thing has been lawfully discharged into the sewer of the local authority.

(10) A local authority for any constituent district shall not after the commencement of this Act agree with the local authority for any district whether within or without the sewerage districts to receive the sewage of the district of such last-mentioned authority or any part thereof except with the approval of the Council and upon such terms and conditions as the Council may approve which approval shall not be unreasonably withheld or granted subject to unreasonable terms or conditions.

(11) Any question which may arise between the Council and any local authority under this section shall unless otherwise agreed be determined by the Minister.

Liability for
disused works.

72.—(1) The Council and any local authority the sewage of whose district or part thereof is received or is proposed to be received into the sewers of the Council in pursuance of this Act may enter into and fulfil agreements for and in relation to the transfer to the Council of any disused works and of any lands forming the site of or held in connection with any disused works upon and subject to such terms and conditions as may be agreed.

(2) Subject to any agreement under subsection (1) of this section the Council shall as from the commencement of this Act—

(a) indemnify the local authority of every constituent district against any interest upon and sinking fund payments in respect of money borrowed by such authority for the construction of their disused works but not upon or in respect of money borrowed for the purchase of the land forming the site of or held in connection with the disused works which land shall remain the property of the local authority;

(b) indemnify the authority of every East Middlesex constituent district against the expenses of working and managing their disused works.

(3) For the purposes of this section—

(a) the payments which the Tottenham and Wood Green Joint Drainage Committee are liable to make to the

London County Council under sections 10 and 11 of the Tottenham and Wood Green Sewerage Act 1891;

PART IV.
—cont.

(b) as from the twenty-ninth day of July nineteen hundred and forty-three so much of the sums payable under any agreement between the mayor aldermen and burgesses of the borough of Edmonton and the mayor aldermen and burgesses of the borough of Southgate as in pursuance of subsection (2) of section 40 (Agreement between Southgate and Edmonton Corporations) of the Act of 1938 may be agreed or determined to be in respect of the treatment and disposal of sewage as distinct from the conveyance of sewage to the sewage disposal works of the Edmonton Corporation; and

54 & 55 Vict.
c. ccv.

(c) as from the twenty-ninth day of July nineteen hundred and forty-three (i) so much of the payments which the mayor aldermen and burgesses of the borough of Hornsey are liable to make to the London County Council under the London County Council (General Powers) Act 1906 as may be agreed or determined to be in respect of the treatment and disposal of sewage from the portions of the borough of Hornsey and adjoining areas which are within the East Middlesex district and (ii) the payments which the said mayor aldermen and burgesses are liable to make to the mayor aldermen and burgesses of the borough of Wood Green in respect of the reception of sewage from that part of the borough of Hornsey which is within the East Middlesex district;

6 Edw. 7. c. cl.

shall be deemed to be payments in respect of disused works.

(4) Any question which may arise between the Council and any local authority under this section shall unless otherwise agreed be determined by the Minister.

73. The Council and the local authority for any constituent district may enter into and fulfil agreements relative to the construction of sewers and sewerage works and the discharge of sewage into sewers of the Council.

Agreements with local authorities in sewerage districts.

74.—(1) The Council and the local authority for any district wholly or partly outside the sewerage districts and whether within or without the county may enter into and fulfil agreements relative to the use by such local authority of the sewers and works of the Council and the discharge into such sewers of sewage from the district of such local authority whether such use and discharge are intended to take place immediately or at any future date and any such agreement may be made upon such terms and conditions

Agreements between Council and local authorities.

PART IV.
—cont.

as may be agreed and may apply to such local authority the provisions contained in section 71 (Disposal of sewage by the Council) of this Act with such variations (if any) as may be agreed.

(2) Any agreement entered into in pursuance of this section between the Council and the local authority for any district whether within or without the county may provide for the inclusion of the district of such local authority in one of the sewerage districts for all or any of the purposes of this Part of this Act and in that case the provisions of this Part of this Act (including section 93 (Expenses of Part IV)) or such of them as are referred to in the agreement shall apply as if the district of the local authority had been included in the West Middlesex district or the East Middlesex district (as the case may be).

(3) Before entering into an agreement in pursuance of this section or of section 113 (For protection of Hornsey Corporation) of this Act the Council shall give notice of the intended agreement to the local authority for each constituent district of the sewerage district to which the intended agreement relates and any such local authority may at any time within one month after the receipt of such notice make representations to the Minister objecting to such intended agreement or to any of the terms thereof and such objection if not withdrawn shall be determined by the Minister after holding an inquiry at which the local authority for any constituent district of the sewerage district to which the intended agreement relates shall be entitled to be heard.

(4) No agreement shall be entered into under this section without the approval of the Minister and the Minister shall not give his approval of an agreement with the local authority for a district without the county unless he is satisfied that the result of that agreement will be to cause no increase over a period of five years from the date of such agreement in the amount of the rate to be levied in the districts in the county in pursuance of this Part of this Act.

Agreements
for transfer
of sewers.

75. The Council and any local authority may enter into and carry into effect agreements and arrangements with reference to the transfer to and vesting in one party to the agreement of any sewer or other work of the other party thereto or any rights powers or interests of or exercised or exercisable by them in respect of any such sewer or other work:

Provided that any person having a right to make a connection with any such sewer transferred to the Council shall until a sufficient substituted sewer to which the like right shall apply shall have been provided, continue to have the same right after the vesting of such sewer in the Council.

76. All sewers made by the Council under the provisions of the Acts of 1931 or 1938 or this Part of this Act or the enactments applied to the Council by those provisions shall vest in and be under the control of the Council and except as provided by this Part of this Act no person shall be entitled to cause any drain or sewer to communicate with or empty into any sewer of the Council but the Council may allow any such communication on such terms and conditions as the Council may impose.

PART IV.
—cont.Vesting of
sewers and
prohibition
of communica-
tions.

77. It shall not be lawful for any person to interfere with any sewer or work of the Council or without lawful authority do any act which shall obstruct or tend to obstruct the free flow or passage of liquid or solid matter therein or which may otherwise prejudicially interfere with or affect the free or efficient working of any such sewer or work:

As to
interference
with sewers
and works.

Provided that nothing in this section shall restrict the exercise of any powers with respect to the opening and breaking up of streets and bridges by any highway authority or any local authority company or body carrying on a water gas or electricity or other public undertaking under statutory powers or restrict the exercise of any powers for the time being vested in the conservancy board or the catchment board.

78.—(1) In this section unless the context otherwise requires

Existing
officers.

“ local authority ” means the local authority of a constituent district and the local authority of any district outside the sewerage districts with whom an agreement may be made under the provisions of section 74 (Agreements between Council and local authorities) of this Act;

“ officer ” includes a servant.

(2) The Council and any officer employed by a local authority in connection with the sewerage or the disposal of the sewage of their district may enter into and carry into effect an agreement (hereinafter referred to as a “ transfer agreement ”) for the transfer of such officer to the service of the Council on such date as may be agreed and any officer transferred to the service of the Council in pursuance of any such agreement is in this section referred to as a “ transferred officer ” which expression shall also include any officer transferred to the service of the Council in pursuance of an agreement made under subsection (2) of section 36 (Existing officers) of the Act of 1931 or subsection (2) of section 42 of the Act of 1938.

PART IV.
—cont.

(3) Every transferred officer shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing similar duties shall receive not less salary or remuneration and be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Act had not been passed.

(4) If at any time within five years after the day on which he was transferred any transferred officer is required by the Council to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform immediately before the day on which he is transferred he may relinquish his office.

(5) (a) In this subsection—

the expression “existing officer” means a transferred officer and any other officer who was in the service of—

(i) the local authority of a West Middlesex constituent district on the first day of January nineteen hundred and thirty-one; or

(ii) any other local authority on the twenty-seventh day of November nineteen hundred and thirty-seven;

and who was then employed by such authority in connection with the sewerage or the disposal of the sewage of their district and continued to be so employed until the date on which the sewage of their district was or shall be received into the sewers of the Council;

the expression “emoluments” has the meaning assigned to it by section 305 of the Act of 1933.

(b) Every existing officer who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment (otherwise than for misconduct) or by diminution or loss of emoluments and for whose compensation for that loss no other provision is made by any enactment for the time being in force shall be entitled to compensation for that loss from the Council.

(c) Every transferred officer who relinquishes his office under the power conferred by subsection (4) of this section within five years after the date of his transfer to the service of the Council and every existing officer whose office is abolished or whose appointment is terminated or whose salary is reduced within five years after the date on which the sewage of the district of the authority in whose service he is or was

is received into the sewers of the Council because his services are not required or his duties are diminished and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Part of this Act.

(d) The provisions of subsection (6) of section 150 of the Act of 1933 and the provisions of the Fourth Schedule to that Act shall apply with the following modifications:—

- (i) references therein to a scheme or order shall be construed as reference to this Part of this Act;
- (ii) the expression "existing officer" shall have the meaning assigned to it by this subsection;
- (iii) any period during which a person has been engaged in war service within the meaning of the Local Government Staffs (War Service) Act 1939 shall be reckoned for the purposes of the said schedule as a period of service in his office and where any such period is so reckoned his emoluments during that period shall for the purposes of sub-paragraph (2) of paragraph 4 of the said schedule be deemed to be such as he would have received if he had not been engaged in war service.

(e) Provided that this subsection shall not apply in the case of an existing officer if he declines to enter into a transfer agreement under subsection (2) of this section.

(6) Any expenses incurred by the Council in pursuance of this section including payments and increased payments to be made to their superannuation fund shall be deemed to be expenses to which section 93 (Expenses of Part IV) of this Act applies.

79. At the request of the Council the local authority for any constituent district shall as soon as reasonably possible supply to the Council such information as they may be able to give as to the sewers situate in or provided for the drainage of their district (other than sewers of the Council) and such additional sewers as are proposed or are likely to be constructed for the drainage thereof and as to the areas which the sewers are intended to drain.

80.—(1) The Council shall prepare maps of the Middlesex district and the East Middlesex district and shall mark thereon the sewers and sewage disposal works for the time being vested in the Council. Every such map shall be kept by the Council at their principal office and shall at all reasonable times be open to the inspection of all applicants and those applicants may take copies of it or any part thereof.

PART IV.
—cont.

(2) The Council shall supply to the local authority of each constituent district a copy of so much of the map as relates to their district and shall from time to time cause such copy to be duly corrected so as to show the then existing sewers and sewage disposal works.

Varying
existing
agreements.

81.—(1) In cases in which prior to the twenty-ninth day of July nineteen hundred and thirty-eight an agreement has been made under any enactment or otherwise between two or more local authorities of East Middlesex constituent districts or between the local authority of an East Middlesex constituent district and the local authority of any district wholly or partly outside the East Middlesex district and whether within or without the county for the communication of the sewers of one of such authorities (in this section referred to as "the discharging authority") with the sewers of another of such authorities (in this section referred to as "the receiving authority") under which payments are required to be made for the use of the sewers of the receiving authority and for the treatment and disposal of sewage by the receiving authority or for either of those purposes and whether the payments are or are not expressed to be made for those purposes the terms and conditions of any such agreement and the payments to be made thereunder shall be revised or wholly or partly determined as may be just and equitable having regard to the transfer from the receiving authority to the Council of the obligation of disposing of sewage as provided by this Part of this Act and to all the circumstances of the case.

(2) Any revision or determination of an agreement under subsection (1) of this section shall be effected by agreement between the Council the discharging authority and the receiving authority or failing agreement by arbitration.

44 & 45 Vict.
c. clv.

(3) The provisions of this section shall apply to the Edmonton Local Board (Division of District) Act 1881 and to any agreement between the mayor aldermen and burgesses of the borough of Southgate and the mayor aldermen and burgesses of the borough of Edmonton made thereunder.

Agreement
between
Southgate
and
Edmonton
Corporations.

82.—(1) In this section "the Southgate Corporation" means the mayor aldermen and burgesses of the borough of Southgate and "the Edmonton Corporation" means the mayor aldermen and burgesses of the borough of Edmonton and in each case includes their predecessors.

(2) In the application of the last preceding section to the Edmonton Local Board (Division of District) Act 1881 and to any agreement thereunder between the Southgate Corporation and the Edmonton Corporation (in this section referred to as "the said agreement") any revision of the said agreement

shall provide that as from the date upon which any sewage is discharged from the sewers of the Southgate Corporation into the sewers of the Council (other than sewers comprised in Work No. 1) otherwise than through the sewers of the Edmonton Corporation the sums payable under the said agreement in respect of the conveyance of sewage by means of the sewers of the Edmonton Corporation shall be varied to such extent and on such terms and conditions as may be agreed between such parties or determined by arbitration.

(3) As from the date when the Southgate Corporation cease to discharge sewage into the sewers of the Edmonton Corporation the respective liabilities of the Southgate Corporation to make payments to the Edmonton Corporation and of the Edmonton Corporation to receive sewage from the sewers of the Southgate Corporation arising under the provisions of the said Act of 1881 or any agreement thereunder shall determine but on such terms and conditions as may be agreed or determined by arbitration.

83. Nothing in this Act or in any Act incorporated therewith shall authorise the Council to allow any sewage or other offensive or injurious matter whether solid or fluid to flow or pass into the river Thames or into any tributary thereof except so far as they are expressly permitted so to do by this Act but nothing in this section shall derogate from the provisions of section 65 (Purity of effluent) of this Act.

Pollution of
river Thames
or its
tributaries.

84. The Council the conservancy board the catchment board and the Metropolitan Water Board or any two or more of them may enter into and fulfil agreements relative to the Salmon Brook Pymme's Brook and the intercepting drain and the maintenance and cleansing thereof and any expenses incurred by the Council under any such agreement shall be deemed to be expenses incurred in respect of the East Middlesex undertaking.

Agreements
with con-
servancy and
catchment
boards and
Metropolitan
Water Board.

85.—(1) Where plans of a building or of an extension of a building are in accordance with building byelaws deposited with the local authority of any constituent district and it is proposed to erect the building or extension (as the case may be) over any sewer vested in the Council which is shown on the map of sewers required by this Part of this Act to be supplied by the Council to the local authority that authority shall forthwith notify the Council and section 25 of the Act of 1936 shall apply to the sewers vested in the Council as if they were sewers shown on the map of sewers required by Part II of the Act of 1936 to be kept deposited at the offices of the local authority and the local authority in making their decision under the said section shall give effect to any representations made by the Council.

Application of
section 25
of Act of
1936.

PART IV.
—cont.

(2) If under subsection (2) of the said section 25 any question relating to the erection of a building or an extension of a building over a sewer vested in the Council is referred to a court of summary jurisdiction for determination the local authority shall give notice to the Council thereof and the Council shall be entitled to be heard upon that question.

As to
application
of section 27
of Act of 1936.

86. Section 27 of the Act of 1936 which prohibits the passing of certain matters into public sewers as amended by subsequent enactments shall apply to the sewers of the Council as if they were public sewers within the meaning of that section.

Powers of
entry and
inspection.

87.—(1) The provisions of section 287 of the Act of 1936 shall apply for the purposes of this Part of this Act and shall apply not only in the cases mentioned in the said section but also where the Council desire to exercise the powers thereof for the purpose of gaining access to any sewers under the control of the Council or discovering or ascertaining any communication with or opening into any of those sewers or the flowing or passing of any matter into those sewers or into any sewer drain channel or watercourse communicating therewith.

(2) The Council shall have after reasonable notice to the local authority of any constituent district the right to inspect any sewer of that authority which communicates directly or indirectly with any sewer of the Council and for the purposes of such inspection the Council shall have all the powers of such local authority in relation thereto.

Use of
sewers by
owners and
occupiers
without
district.

88. Notwithstanding anything contained in the Act of 1936 the owner or occupier of premises and the owner of a private sewer without a constituent district shall not be entitled to have his drain or sewer made to communicate with any public sewer of the local authority of the constituent district except with the consent of the Council (which consent shall not be unreasonably withheld) and subject to such reasonable terms and conditions as may be appended to such consent.

Any question as to whether such consent has been unreasonably withheld or whether any terms and conditions are unreasonable shall be referred to arbitration.

Unauthorised
communica-
tions with
Council's
sewers.

89.—(1) Any person not being an officer or servant of the Council or not being duly authorised in writing by the Council in that behalf who shall make or attempt to make any communication or connection with any sewer or other work belonging to the Council for the purpose of connecting therewith any sewer drain channel or pipe or shall otherwise interfere with any sewer or work of the Council or shall without lawful authority do any act which shall obstruct or tend to obstruct the free flow or passage of liquid or solid matter therein or

which may otherwise prejudicially interfere with or affect the free or efficient working of any such sewer or work shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds.

(2) In addition to the provisions of subsection (1) of this section the Council (if they think fit) may cut off or close any unauthorised connection or communication as aforesaid or take such steps as to them may seem requisite for making good the sewer interfered with or may do any act which may be reasonably necessary for restoring the free and efficient working of any of their sewers and works and may recover summarily as a civil debt from the offender the cost and expenses of so doing.

(3) The provisions of this section shall be in addition to and not in substitution for and shall not prejudice any other remedy or mode of proceeding which may otherwise be available to the Council but those provisions shall not prejudice or affect the rights of a local authority under section 71 (Disposal of sewage by the Council) of this Act.

(4) Nothing in this section shall restrict the exercise of any powers with respect to the opening or breaking up of streets and bridges by any highway authority or bridge authority.

90.—(1) In the application within the sewerage districts of the Public Health (Drainage of Trade Premises) Act 1937 the Council shall subject to the provisions of this section be deemed to be an interested body and a joint sewerage authority which has provided sewers and sewage disposal works for the use of several local authorities.

Application
of Public
Health
(Drainage of
Trade
Premises)
Act 1937.
1 Edw. 8. &
1 Geo. 6. c. 40.

(2) For the avoidance of doubt it is hereby declared that the Council shall be and shall always have been deemed to be empowered to enter into agreements with the owner or occupier of trade premises in relation to the disposal of trade effluents on such terms and conditions as a local authority may impose under the said Act of 1937 but nothing in this subsection shall interfere with or prejudice the powers of the local authority under the said Act of 1937.

(3) Each of the local authorities for the districts comprised in the sewerage districts shall on or before the thirty-first day of May in each year submit to the Council a statement showing the total amount received by the local authority from the owner or occupier of any trade premises in pursuance of any condition imposed or agreement made by the local authority or of any byelaw made under the provisions of the said Act of 1937 for the twelve months ended on the preceding thirty-first day of March and shall within twenty-eight days after the submission of the statement pay

PART IV.
—cont.

to the Council such proportion of the total amount so received by them as may be agreed or in default of agreement determined by the Minister.

(4) Proceedings in respect of an offence created by the said Act of 1937 or a byelaw made thereunder in relation to the premises within the sewerage districts may be taken by the Council.

Apportionment of payments for reception of sewage.

91. When the local authority for any constituent district receive payment in respect of the reception of sewage into their sewers or the disposal of sewage they shall pay to the Council such proportion of the sum received by them as may be agreed or in default of agreement determined by the Minister:

Provided that this section shall not apply in cases where the payment is made by a local authority for a constituent district in either of the sewerage districts.

Notice to Minister of War Transport.

92. Before breaking up or otherwise interfering with any street in connection with the execution of any works under the powers of this Part of this Act the Council shall (except in cases of emergency) give one month's notice in writing to the Minister of War Transport.

Expenses of Part IV.

93.—(1) The expenses incurred by the Council in respect of the West Middlesex undertaking other than expenses defrayed out of borrowed money but including interest on and sinking fund payments in respect of such borrowed money shall be defrayed as expenses incurred for special county purposes in relation to that part of the county which comprises the West Middlesex district.

(2) The expenses incurred by the Council in respect of the East Middlesex undertaking other than expenses defrayed out of borrowed money but including interest on and sinking fund payments in respect of such borrowed money shall be defrayed as expenses incurred for special county purposes in relation to those parts of the counties of Middlesex Essex and Hertford which comprise the East Middlesex district and shall be raised and paid in the case of a rural district council as special expenses within the meaning of section 190 of the Act of 1933 chargeable on such contributory places in their district as are within the East Middlesex district but without prejudice to the powers of such council under subsection (4) of the said section 190.

(3) For the purposes of this section and for the purpose of enabling the Council to issue precepts to rating authorities whose areas are situate in so much of the counties of Essex and Hertford as is comprised in the East Middlesex district and to secure payments in respect thereof those areas shall be

deemed to be in the county of Middlesex and the provisions of the Rating and Valuation Act 1925 as amended by subsequent enactments shall apply accordingly.

(4) Any expenses incurred by the Council in respect of both undertakings shall be apportioned between them in such manner as the Council may think just.

(5) The Council of the borough of Hornsey shall be empowered to charge to the general rate levied in the borough any precept made upon the borough in respect of that part of the borough which is included in the East Middlesex district.

94. Any expenses incurred by the Tottenham and Wood Green Joint Drainage Committee in pursuance of this Part of this Act shall be defrayed in the manner provided by section 12 (As to expenses of joint committee) of the Tottenham Local Board (Division of District) Act 1888 as amended by any subsequent enactment.

95.—(1) The Council shall appoint a committee to be called "the East Middlesex Drainage Committee" and except as otherwise provided in this section all matters exclusively relating to or arising from the exercise by the Council of their functions under this Part of this Act in reference to the East Middlesex undertaking shall stand referred to that committee and the Council before exercising any such functions shall unless in their opinion the matter is urgent receive and consider the report of the committee with respect to the matter in question.

(2) The Council shall include in the membership of the East Middlesex Drainage Committee at least one person nominated by the county council of the administrative county of Essex and at least one person nominated by the county council of the administrative county of Hertford.

(3) Subject to the provisions of this section section 85 of the Act of 1933 shall apply to the said committee.

(4) The Council may refer to any committee of the Council other than the said committee any matter arising out of and incidental to the functions referred to in subsection (1) of this section which by reason of its relating also to any other functions of the Council ought in the opinion of the Council to be so referred and the provisions of subsection (1) of this section shall not apply with reference to any matter which is so referred or to the exercise of any of the said functions so far as they relate to that matter.

96. Notwithstanding anything in this Part of this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Richmond (Surrey) (in this

PART IV.

—cont.

15 & 16 Geo. 5.
c. 90.Expenses of
Tottenham
and Wood
Green
Committee.
51 & 52 Vict.
c. clxxxvii.East
Middlesex
Drainage
Committee.For protection
of Richmond
Corporation.

PART IV.
—cont.

section referred to as "the corporation") shall unless otherwise agreed in writing between the Council and the corporation have effect:—

- (1) Any renewal substitution or enlargement of the conduit Work No. 7 authorised by the Act of 1931 or of any buildings structures works and conveniences forming part thereof or in connection therewith shall so far as the same shall be situate in the Isleworth ait be so constructed that the highest part of any such renewal substitution or enlargement of the said conduit shall not be at a less depth below the surface of the ground than four feet and that the highest part of any renewal substitution or enlargement of any such buildings structures works and conveniences shall not be above the surface of the ground:
- (2) Any renewal substitution or enlargement of the said conduit and the outlets therefrom and all such buildings structures works and conveniences so far as the same shall be situate in the river Thames or in the said ait or the banks thereof shall be so constructed that no part of any such renewal substitution or enlargement shall be visible from any part of the banks of the said river in the borough:
- (3) The Council shall at all times renew maintain and properly cultivate the trees and shrubs planted by them in the said ait to replace the trees and shrubs disturbed or interfered with by them and if the Council shall at any time fail to comply with this provision the corporation may themselves enter upon the works and lands of the Council in the said ait and do all such things as may be necessary in that behalf and the Council shall on demand repay to the corporation the expenses reasonably incurred by them in so doing.

For protection
of Twicken-
ham
Corporation.

97. For the protection of the mayor aldermen and burgesses of the borough of Twickenham (in this section referred to as "the corporation") the following provisions shall apply and have effect unless otherwise agreed in writing between the corporation and the Council:—

- (1) The Council shall at least one month before commencing any works under the powers of this Part of this Act on or under any lands other than highways in the borough of Twickenham belonging to the corporation at the time of the passing of the Act of 1931 submit to the corporation plans sections and particulars of such works for their reasonable

approval and the said works shall be executed and maintained in accordance with such plans sections and particulars:

Provided that if within the said period of one month after the submission to the corporation of such plans sections and particulars the corporation do not express to the Council their disapproval thereof and their objections thereto they shall be deemed to have approved thereof:

- (2) The said works shall be carried out in such a manner as to cause as little interference with the property of the corporation and with as little inconvenience to the corporation in the use and enjoyment of their property as is reasonably practicable and all works carried out by the Council on any property of the corporation shall be carried out and completed with all reasonable dispatch:
- (3) Notwithstanding anything contained in section 72 (Liability for disused works) of this Act the corporation may (if they think fit) retain any disused works (whether buildings plant and machinery or buildings only or plant or machinery only) or any part thereof in respect of which there is no outstanding liability in respect of money borrowed by the corporation for the construction thereof or in respect of which any such liability which has not been discharged is retained by the corporation:
- (4) The Council shall to the reasonable satisfaction of the corporation restore or make good the surface of the ground on the completion of any works carried out by them under the powers of this Part of this Act upon the said lands of the corporation and in the case of the removal by the Council of any disused works in pursuance of this Part of this Act upon such removal:
- (5) Any difference which may arise between the corporation and the Council under the provisions of this section shall be settled by arbitration.

98.—(1) For the purpose of ascertaining the dry weather flow under subsection (4) of section 41 (Definitions &c. in Part IV) of this Act in relation to the sewage of the urban district of Hayes and Harlington and notwithstanding anything in this Part of this Act contained the flow of sewage shall be calculated on the basis of forty-five gallons per head of the population throughout the twenty-four hours so long as a considerable number of persons residing in other areas are employed in factories and workshops in the said urban district.

For protection of Hayes and Harlington Urban District Council.

PART IV.
—cont.

(2) Any question under this section between the Council and the council of the said urban district shall be determined by the Minister.

For protection
of Hendon
Corporation.

99. For the protection of the mayor aldermen and burgesses of the borough of Hendon (in this section referred to as "the corporation") the following provision shall unless otherwise agreed in writing between the Council and the corporation apply and have effect:—

The Council shall not acquire compulsorily any of the lands of the corporation which are numbered 1 2 3 4 and 5 in the borough of Hendon and 36 in the borough of Finchley on the 1938 plans but the Council may acquire such easements and rights in such lands as they may require subject to and in accordance with section 48 (Acquisition of easements) of this Act.

For protection
of Heston and
Isleworth
Corporation.

100. Notwithstanding anything in this Part of this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Heston and Isleworth (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the corporation and the Council apply and have effect:—

(1) If at any time any nuisance shall in the reasonable opinion of the corporation be caused by the works constructed in pursuance of the Act of 1931 or this Part of this Act the corporation may by notice in writing require the Council to roof in and cover over in such a manner as to exclude the external air therefrom such of the said works and carry out such other works as the corporation may reasonably consider necessary to abate such nuisance and prevent any recurrence thereof All such works of covering over and other works shall be constructed and from time to time (as may be necessary) altered enlarged and extended in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the corporation and under the superintendence (if given) and to the reasonable satisfaction of the engineer of the corporation and shall at all times be maintained by the Council to the like satisfaction:

Provided that if the said engineer does not express his disapproval of any such plans sections and particulars within one month after the same shall have been submitted to the corporation he shall be deemed to have approved thereof:

- (2) The corporation shall not be responsible for the reception and disposal of the sewage of the corporation and the Council shall receive and dispose of the same and all future quantities of the sewage of the corporation whether in excess of the present quantity or not and the Council shall construct and maintain all such works and execute and do all such acts and things as may from time to time be necessary to effectually receive and dispose of the said sewage of the corporation:
- (3) If any difference shall arise between the corporation and the Council under the provisions of this section such difference shall be referred to and determined by the Minister:
- (4) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Part of this Act or of any enactment incorporated therewith which would enure for the benefit or protection of the corporation.

101. Notwithstanding anything in this Part of this Act or shown on the 1938 plans and sections the following provisions for the protection of the mayor aldermen and burgesses of the borough of Edmonton (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the corporation and the Council have effect:—

For protection
of Edmonton
Corporation.

- (1) The corporation shall not be responsible for the reception and disposal of the sewage of the corporation on the lands in the borough of Edmonton numbered 7 207 and 232 on the 1938 plans which have been acquired by the Council and the Council shall receive and dispose of such sewage and all future quantities of the sewage of the corporation whether in excess of the present quantity or not and the Council shall construct and maintain all such works and execute and do all such acts and things as may from time to time be necessary effectually to receive and dispose of the said sewage:
- (2) As soon as reasonably practicable after commencing to use any of the lands referred to in paragraph (a) of subsection (2) of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act for any of the purposes authorised by that section the Council shall provide and thereafter maintain and when necessary renew embankments or trees and shrubs or embankments with trees and shrubs thereon on or near to the boundaries of the said lands to the reasonable satisfaction of the corporation for

PART IV.
—cont.

the purpose of screening (so far as reasonably practicable) any works plant and apparatus which the Council may construct or provide on the said lands:

- (3) (a) If at any time any nuisance shall in the reasonable opinion of the corporation be caused by the works by this Act authorised comprised in Work No. 1 the corporation may by notice require the Council to roof in and cover over in such manner as to exclude the external air therefrom such of the said works and carry out such other works as the corporation may reasonably consider necessary to abate such nuisance and prevent any recurrence thereof;

(b) All such works of covering over and other works shall be constructed and from time to time (as may be necessary) altered enlarged and extended in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the corporation and under the superintendence (if given) and to the reasonable satisfaction of the engineer of the corporation and shall at all times be maintained by the Council to the like satisfaction:

Provided that if the corporation do not express their disapproval of any such plans sections and particulars within one month after the same shall have been submitted to them they shall be deemed to have approved thereof:

- (4) No sludge drying beds or uncovered sludge tanks shall be constructed or used on the lands referred to in paragraph (a) of subsection (2) of the said section 47 or on any other lands within the borough of Edmonton but this provision shall not apply to the use of the existing sludge drying beds or sludge tanks pending the construction and completion of Work No. 1 by this Part of this Act authorised:
- (5) The Council shall at all times afford to the corporation and their officers and agents full and free rights of access to the lands referred to in subsection (1) of this section for the purpose of the inspection of any works plant and apparatus which the Council may construct or provide on the said lands and the method of user of the same and in order that the corporation may satisfy themselves that all proper precautions are being taken by the Council to prevent nuisance or injury arising in connection with the user of the said lands:

(6) (a) At any time after the acquisition by the Council of the lands numbered 207 and 232 in the borough of Edmonton on the 1938 plans if so required by the corporation the Council shall grant to the corporation for such period as the corporation may require not exceeding ninety-nine years a lease of such portion of the said land not exceeding twenty acres in extent as may be agreed between the Council and the corporation or in case of difference determined by the Minister for the purpose of providing allotments thereon such lease to be granted at such rent and subject to such terms and conditions as may be agreed or determined under paragraph (c) of this subsection;

(b) The said lands shall be reasonably suitable for the purposes of allotments and the said area of twenty acres shall be included in not more than two separate plots neither of which shall be less in extent than five acres;

(c) Any difference between the Council and the corporation under this subsection and any question as to the rent payable under and the terms and conditions of any such lease shall be determined by the Minister of Agriculture and Fisheries or some person to be appointed by him:

(7) The Council shall not acquire compulsorily any of the following lands belonging to the corporation namely the lands in the borough of Edmonton which are numbered 5 8 8A 10 109 204 207A 219 220 and 221 on the 1938 plans (except pieces of land not exceeding one acre in the whole and each piece not exceeding one-sixth of an acre) but the Council may acquire such easements and rights in such lands as may be required for the construction and maintenance of the works by this Part of this Act authorised subject to and in accordance with the provisions of section 48 (Acquisition of easements) of this Act.

The pieces of land to be acquired as aforesaid shall be such as may be agreed between the Council and the corporation or failing agreement determined by the Minister:

(8) Any difference under this section between the Council and the corporation (unless other provision is expressly made by this section) shall be referred to and determined by the Minister.

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—cont.

For protection
of Barnet
Urban District
Council.

102. The following provision for the protection of the Barnet Urban District Council shall unless otherwise agreed in writing between the Council and the said district council apply and have effect:—

The Council shall not acquire compulsorily any of the following lands of the said district council namely the lands in the urban district of Barnet which are numbered 1 3 4 5 6 7 9 10 11 12 13 14 15 33 34 35 36 38 39 40 41 43 and 44 on the 1938 plans (except pieces of land not exceeding one acre in the whole) but the Council may acquire such easements and rights in such lands as they may require subject to and in accordance with the provisions of section 48 (Acquisition of easements) of this Act.

For protection
of Chingford
Corporation.

103. For the protection of the mayor aldermen and burgesses of the borough of Chingford (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Council and the corporation apply and have effect:—

- (1) The Council shall not acquire compulsorily any of the lands of the corporation numbered in the borough of Chingford 1 1a and 2 on the 1938 plans (except pieces of land not exceeding one-half of an acre in the whole) but the Council may in exercise of the powers conferred on them by section 48 (Acquisition of easements) of this Act acquire such easements and rights in such lands as may be requisite for the purposes of the construction of the sewer (Work No. 4A) by this Part of this Act authorised:
- (2) The piece or pieces of land which the Council may acquire as aforesaid shall be such as may be agreed between the Council and the corporation or failing agreement determined by the Minister.

For protection
of East Barnet
Urban District
Council.

104. The following provisions for the protection of the East Barnet Urban District Council shall unless otherwise agreed in writing between the Council and the said district council apply and have effect:—

- (1) The Council shall not acquire compulsorily any of the following lands of the said district council namely the lands in the urban district of East Barnet which are numbered 1 2 and 3 on the 1938 plans but the Council may acquire such easements and rights in such lands as they may require subject to and in accordance with the provisions of section 48 (Acquisition of easements) of this Act:

- (2) In the construction and maintenance of any of the works authorised by this Part of this Act the Council so far as may be reasonably practicable shall cause no unnecessary injury to or interference with any of the trees in the spinney forming part of the lands in the urban district of East Barnet numbered 3 on the 1938 plans or in the lands adjacent thereto belonging to the said district council.

105. For the protection of the urban district council of Enfield (in this section referred to as "the district council") the following provisions shall unless otherwise agreed in writing between the Council and the district council apply and have effect notwithstanding anything in this Part of this Act contained or shown upon the 1938 plans and sections:—

For protection
of Enfield
Urban District
Council.

- (1) Before using the lands referred to in paragraph (b) of subsection (2) of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act for the receiving storing distributing or otherwise disposing of sludge and other products resulting from the sedimentation of sewage the Council shall provide and construct on or within twenty yards from the southern and western boundaries of the said lands and throughout the whole length thereof an embankment constructed of materials other than sludge of such height as the district council may reasonably require and shall at all times properly maintain the same to the reasonable satisfaction of the district council and forthwith after commencing the user of the said lands for the purposes aforesaid the Council shall plant and thereafter maintain and when necessary renew such trees and shrubs on the said boundaries of the said lands as the district council may reasonably require. The said embankment and trees and shrubs shall be designed for the purpose of effectively screening any works plant and apparatus which the Council may construct or provide on the said lands:
- (2) When so required by the district council the Council shall afford all necessary facilities for the construction by the district council of a new road fifty feet in width through the lands referred to in subsection (1) of this section in the situation determined by the Minister of Transport under section 52 of the Act of 1938:
- (3) If at any time any nuisance shall in the reasonable opinion of the district council be caused by the use by the Council of the lands referred to in subsection (1) of this section the district council may by notice

PART IV.
—cont.

in writing require the Council to carry out such works as the district council may reasonably consider necessary to abate such nuisance and prevent any recurrence thereof:

- (4) The Council shall at all times afford to the district council and their officers and agents full and free rights of access to the lands referred to in subsection (1) of this section for the purpose of the inspection of any works plant and apparatus which the Council may construct or provide on the said lands and the method of user of the same and in order that the district council may satisfy themselves that all proper precautions are being taken by the Council to prevent nuisance arising in connection with the user of the said lands:
- (5) The Council shall for the purposes of the construction and maintenance of the works by this Part of this Act authorised (other than those authorised by section 47 (East Middlesex sewage lands and discharge of effluent) of this Act) where they will be situate in or under any of the properties numbered 86 87 89 119 120 121 142 and 143 in the urban district of Enfield on the 1938 plans acquire easements and rights only in such lands in accordance with and subject to the provisions of section 48 (Acquisition of easements) of this Act:
- (6) In the construction of Work No. 3A by this Part of this Act authorised at a point two thousand feet north of the centre of the level crossing at Brimsdown station the sewer shall not be laid so that the invert level will be higher than thirty-seven feet above ordnance datum (Newlyn):
- (7) Except as may be otherwise expressly provided by this section any difference which may arise between the district council and the Council under the provisions of this section shall be referred to and determined by the Minister.

For protection
of Finchley
Corporation.

106. For the protection of the mayor aldermen and burgesses of the borough of Finchley (in this section referred to as "the corporation") the following provision shall unless otherwise agreed in writing between the Council and the corporation apply and have effect notwithstanding anything in this Part of this Act contained or shown on the 1938 plans and sections:—

The Council shall not acquire compulsorily any of the lands of the corporation numbered 2 to 12 (inclusive) 20 to 25 (inclusive) 23A 36 and 92 to 129 (inclusive) in the borough of Finchley on the 1938 plans

(except pieces of land not exceeding one acre in the whole and each piece not exceeding one-sixth of an acre) but the Council may acquire such easements and rights in such lands as may be required for the purposes of the construction and maintenance of the works by this Part of this Act authorised subject to and in accordance with the provisions of section 48 (Acquisition of easements) of this Act.

The pieces of land to be acquired as aforesaid shall be such as may be agreed between the Council and the corporation or failing agreement determined by the Minister.

107. Notwithstanding anything in this Part of this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Southgate (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the corporation and the Council apply and have effect:—

For protection
of Southgate
Corporation.

- (1) The Council shall not acquire any part of the lands numbered on the 1938 plans 15 in the borough of Southgate and known as Arnos Park but the Council may subject to and in accordance with section 48 (Acquisition of easements) of this Act acquire from the corporation and the corporation shall sell to the Council such easement and right in the said lands as may be reasonably necessary to enable the Council to construct and maintain so much of Work No. 2A by this Part of this Act authorised as will be situate in or under any part of the said lands (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such portion of the said Work No. 2A):
- (2) So much of the said Work No. 2A and any works connected therewith as will be situate in or under any part of the said lands shall be maintained subject to the reasonable approval of the corporation and on the completion of any works of repair or maintenance thereof the Council shall to the reasonable satisfaction of the corporation and as soon as may be replace the turf and fill in and repair the surface of the ground to its former level and state and restore or replace any apparatus or appliances of the corporation which may have been altered or interfered with by the Council:
- (3) Any difference which may arise between the corporation and the Council under the provisions of this section shall be referred to and determined by the Minister.

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—cont.
For protection
of Tottenham
Corporation.

108. For the protection of the mayor aldermen and burgesses of the borough of Tottenham (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Council and the corporation apply and have effect:—

- (1) The Council shall not acquire compulsorily any of the lands of the corporation numbered 3 in the borough of Edmonton and 45 in the borough of Tottenham on the 1938 plans and they shall only acquire compulsorily so much of the land numbered 6 in the borough of Tottenham on the 1938 plans as may be required for the construction of Work No. 4 by this Part of this Act authorised:
- (2) The Council shall not acquire compulsorily any of the lands belonging to the corporation and numbered 52 and 53 in the borough of Tottenham on the 1938 plans but the Council may acquire such easements and rights in such lands as may be required for the purposes of the construction and maintenance of the works by this Part of this Act authorised subject to and in accordance with the provisions of section 48 (Acquisition of easements) of this Act.

For pro-
tection of
Edmonton
Enfield
Finchley
and
Tottenham.

109. For the protection of the councils of the boroughs of Edmonton Finchley and Tottenham and of the urban district of Enfield respectively the following provisions shall unless otherwise agreed apply and have effect:—

(1) In this section—

"the urban council" means each of the said councils;

"the district" means the borough or district of the urban council:

- (2) The Council shall at least one month before commencing any works in or under any lands (other than highways) in the district which belong to the urban council submit to that council plans sections and particulars of such works for their reasonable approval and the urban council in withholding their approval shall be entitled to consider or in giving their approval shall be entitled to impose reasonable conditions in relation to the following matters:—

(a) the construction of the works in tunnel without interfering with the surface of the ground wherever that course is reasonably practicable and may be necessary in order to prevent damage to buildings parks pleasure grounds and playing fields or to trees and shrubs;

(b) the construction of the works without manholes inspection chambers or other surface works or surface openings or the position of any such manholes inspection chambers or other surface works or openings which it may be reasonably necessary to construct;

(c) the line and level of the works; and

(d) the exclusion from application to such lands of the powers of the Railway Clauses Consolidation Act 1845 with respect to the temporary occupation of lands;

and the said works shall be executed and maintained in accordance with such plans sections and particulars as so approved and in accordance with any such conditions:

Provided that if within the said period of one month after the submission to the urban council of such plans sections and particulars that council do not express to the Council their disapproval thereof and their objections thereto they shall be deemed to have approved thereof:

- (3) The said works shall be carried out in such a manner as to cause as little interference with the property of the urban council and with as little inconvenience to that council in the use and enjoyment of their property as is reasonably practicable and all works carried out by the Council on any property of the urban council shall be carried out and completed with all reasonable dispatch:
- (4) Any difference which may arise between the urban council and the Council under the provisions of this section shall be referred to and determined by the Minister.

110. Nothing in this Part of this Act shall affect the rights of the Hertfordshire County Council under section 29 of the Local Government Act 1929 in connection with the drainage of a county road. Saving for Hertfordshire County Council.

111. The following provisions unless otherwise agreed in writing between the highway authority or the bridge authority as the case may require and the Council shall have effect with respect to the exercise in or affecting any highway or bridge in the administrative county of Hertford of any of the powers of this Part of this Act including the powers contained in the For protection of roads and bridges in Hertfordshire.

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provisions of the Act of 1936 referred to in subsection (1) of section 67 (Application of Public Health Acts) of this Act:—

(1) In this section—

“ bridge ” includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

“ apparatus ” includes any sewer or other work of the Council;

“ along ” includes in on under across at the side of and attached to;

“ surveyor ” means the surveyor or engineer to the highway authority or the bridge authority as the case may require:

(2) The Council shall not except with the consent of the bridge authority—

(a) carry any apparatus along any bridge which in the opinion of the surveyor is unsuitable for the purpose; or

(b) interfere with the structure of any bridge;

but such consent shall not be unreasonably withheld and may be given upon such conditions as the bridge authority may reasonably determine:

(3) If within the period of fourteen days referred to in subsection (1) of section 64 (For protection of certain authorities) of this Act the highway authority give notice to the Council that they intend to discharge as from the completion of the work and the filling in of the ground the duties imposed upon the Council by subsections (4) and (6) of that section the highway authority shall discharge those duties accordingly and the Council shall repay to the highway authority the reasonable expenditure incurred by them in pursuance of this subsection:

(4) Any difference between the Council and a bridge authority or a highway authority under the provisions of this section shall be determined by arbitration.

Further provisions as to Tottenham and Wood Green.

112.—(1) Not less than three months before they will be in a position to receive and dispose of the sewage of the district controlled by the Tottenham and Wood Green Joint Drainage Committee (in this section referred to as “ the joint drainage district ”) the Council shall give notice thereof to that committee and to the London County Council (in this section referred to as “ the London Council ”) and in that notice they shall specify the date upon which they will receive such sewage.

(2) On the date mentioned in the notice given in pursuance of this section the responsibility of the London Council under the Tottenham and Wood Green Sewerage Act 1891 to permit the sewage of the joint drainage district to be delivered into the sewers of the London Council shall cease and the liability of the said joint committee to make payments to the London Council under that Act except in respect of any period before that date shall cease and accordingly on that date sections 3 to 16 of that Act shall be repealed.

(3) Not later than three months after commencing the construction of works authorised by this Part of this Act the Council shall furnish the London Council with information as to the stages by which and the time when works numbered 4 and 2B are intended to be carried out and completed.

(4) In respect of any loss suffered or any expenses incurred by the London Council by reason of the provisions contained in this section the Council shall pay to the London Council such sums as can be agreed or determined by arbitration to represent—

- (a) the undischarged capital expenditure on works constructed by the London Council as solely necessary for the reception of the sewage of the joint drainage district into the London main drainage district;
- (b) the value at the time of payment of the balance of annual payments payable by the joint drainage committee to the London Council under the provisions of section 10 of the said Act of 1891 as if sections 3 to 16 of that Act had not been repealed under the foregoing provisions of this section;
- (c) a proportionate part of the undischarged capital expenditure on London main drainage works utilised in part for the conveyance and treatment of sewage from the joint drainage district such proportion being based on the quantity of sewage received from the joint drainage district during the period of twelve months immediately before the cesser of reception of the sewage therefrom and the total quantity of sewage for which the works are utilised during the same period;
- (d) the reasonable cost of the alterations to the London Council's sewers necessitated by the cesser of reception of the sewage of the joint drainage district:

Provided that in assessing the payment to be made under paragraphs (a) and (c) of this subsection regard shall be had to the extent to which the works provided by such undischarged capital expenditure can be utilised for the purposes of the main drainage system of the London Council on the cesser of the reception into that system of the sewage of the

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—cont.

joint drainage district and credit shall be given to the Council accordingly.

(5) In this section the expression "undischarged capital expenditure" means the amount borrowed for the construction of the works referred to which shall not have been repaid less any sums in a sinking fund or otherwise available for the repayment thereof.

(6) Any question which may arise under this section as to the amount to be paid thereunder shall unless otherwise agreed be determined by arbitration the arbitrator unless otherwise agreed being appointed on the application of either party (after notice to the other) by the Minister.

For protection
of Hornsey
Corporation.

113. Notwithstanding anything contained in this Part of this Act the following provision for the protection and benefit of the mayor aldermen and burgesses of the borough of Hornsey (in this section referred to as "the corporation") shall except so far as may be otherwise agreed in writing between the Council and the corporation have effect:—

The corporation may give to the Council not less than three years' notice of their desire that the whole of the borough of Hornsey shall be included in the East Middlesex district and in the event of such notice being given this Part of this Act shall have effect as from the date mentioned in the notice as if the whole of the said borough were included in that district subject however to such terms and conditions as may be agreed between the Council and the corporation or as failing agreement shall be determined by the Minister:

Provided that a notice under this section shall not have effect unless an agreement is made between the corporation and the London County Council for a discontinuance of the discharge of sewage from the said borough into the sewers of the last-mentioned council.

Saving for
London
County
Council.
8 Edw. 7.
c. cvii.

114. Nothing in this Part of this Act or done thereunder shall derogate from or affect the provisions of Part III of the London County Council (General Powers) Act 1906 or Part VII of the London County Council (General Powers) Act 1908.

For protection
of London
County
Council.

115. The following provisions shall unless otherwise agreed have effect for the protection of the London County Council (in this section called "the London Council"):—

(1) In and for the purposes of this section—

The expression "the property of the London Council" means any lands or building or any other property of the London Council; and

The expression "the prescribed distance" means one hundred feet measured horizontally from any part of the property of the London Council:

- (2) (a) The Council shall at all times maintain any part of the works constructed in pursuance of the Act of 1931 which passes through or under any lands belonging to the London Council or which passes or has been executed within the prescribed distance in substantial repair and good order and condition to the reasonable satisfaction of the London Council and if and whenever the Council fail so to do the London Council may (after giving not less than seven days' notice except in cases of emergency when they shall give the longest practicable notice) make and do in and upon as well the works and lands of the Council as their own lands and works all such works and things as the London Council may reasonably think requisite and the reasonable expenditure of the London Council in that behalf shall be repaid to the London Council by the Council. Every reasonable notice which the London Council may at any time give touching any defect or want of repair shall as soon as possible be complied with by the Council;

(b) During the renewal or repair of any portion of the works constructed in pursuance of the Act of 1931 through or under any lands belonging to the London Council the Council shall to the satisfaction of the London Council provide and maintain means of access for persons and vehicles to or from any portions of the said lands which by reason of such renewal or repair may be temporarily severed from other portions of the said lands or from the property of the London Council;

(c) During the renewal or repair of any portion of the works constructed in pursuance of the Act of 1931 through or under any lands belonging to the London Council the Council shall to the satisfaction of the London Council temporarily fence off such portion and provide a sufficient number of watchmen and take such other steps as the London Council may reasonably require for the purpose of preventing any accident and obviating any danger to persons employed residing or accommodated at or resorting to the Hanwell Mental Hospital the Hanwell Housing Estate or the Ashford Residential Schools and the Council shall immediately after the completion of

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such renewal or repair (as the case may be) remove any fencing provided in accordance with the provisions of this paragraph and make good the ground to the reasonable satisfaction of the London Council;

(d) All reasonable fees costs charges and expenses payable or incurred by the London Council in respect of any of the matters in the previous paragraphs of this subsection contained shall be borne and on demand paid by the Council and during the renewal or repair of the works constructed in pursuance of the Act of 1931 through or under any lands belonging to the London Council or within the prescribed distance the Council shall bear and on demand pay to the London Council the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the property of the London Council or any part thereof and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Council or from acts or defaults of the contractors of the Council or of any person in their employ or otherwise;

(e) The Council shall be responsible for and make good to the London Council all costs losses damages and expenses which may be occasioned to the London Council or to the property of the London Council by reason of the maintenance or failure of the works constructed in pursuance of the Act of 1931 or of any act or omission of the Council or of any person in their employ or of their contractors or others and the Council shall effectually indemnify and hold harmless the London Council from all claims and demands upon or against them by reason of such construction maintenance or failure and of any such act or omission:

- (3) The Council shall not without the consent of the London Council (which consent shall not be unreasonably withheld) construct in under or upon lands belonging to the London Council any ventilators manholes or entrances to the works:
- (4) Nothing in this Part of this Act shall prevent the use for the purposes of the interment of human remains of any portion of the lands numbered 10 on the 1931 plans in the borough of Southall:
- (5) Nothing in this Part of this Act or in the provisions of any Act applied by this Act shall prevent or impede the erection by the London Council of any building wall fence or any other structure or erection

upon or over such part of any works constructed under the powers of the Act of 1931 as is in or under lands belonging to the London Council:

- (6) The approval by the London Council of any plans or the superintendence by the London Council of any work or the giving by the London Council of any consent under the provisions of this section shall not exonerate the Council from any liability or affect any claim for damages under this section or otherwise:
- (7) Any dispute or difference which may arise between the London Council and the Council with respect to the provisions of subsection (2) of this section shall be settled by arbitration.

116. Nothing in this Part of this Act contained and nothing done under this Part of this Act shall extend to interfere with take away abridge or prejudicially affect any right power authority or jurisdiction of the conservators of the river Thames under the Thames Conservancy Act 1932.

Saving rights of conservators of river Thames.

117. For the protection of the port authority the following provisions shall notwithstanding anything contained in this Part of this Act unless otherwise agreed in writing between the Council and the port authority have effect:—

For protection of port authority.

- (1) In this section the expression " the river " means the part of the river Thames which is within the jurisdiction of the port authority and includes the bed banks and shores thereof:
- (2) Nothing in this part of this Act shall authorise or empower the Council without the previous consent of the port authority to embank encroach upon or interfere with any part of the river:
- (3) The Council shall not make or commence any work under the powers of this Part of this Act in on over or under the river until the plans elevations and sections referred to in subsection (4) of this section have been reasonably approved by the port authority or settled by arbitration:
- (4) Any works (temporary or permanent) in on over or under the river constructed under the powers of this Part of this Act shall be executed according to such plans elevations and sections and at such levels as may be reasonably approved in writing by the port authority under the hand of their secretary or other authorised officer or failing such approval

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settled by arbitration and shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the port authority and the traffic of the river shall not be interfered with more than may be absolutely necessary in the execution of the said works:

Provided that if the port authority shall not within one month of the delivery of any such plans elevations and sections express their disapproval thereof they shall be deemed to have approved thereof:

- (5) The owners and masters of vessels shall not be liable to make good any damage which may be caused to any temporary works constructed under the powers of this Part of this Act in the river except such as may arise from the wilful act or default of such owners or masters or their servants or agents:
- (6) The Council shall not at any time make or prefer any claim against the port authority or their contractors or agents in respect of any damage which may happen or be occasioned to any works (temporary or permanent) constructed in accordance with the provisions of the Act of 1931 or this Part of this Act either during construction or after completion thereof by any operations of the port authority for the improvement or maintenance of the navigation of the river or otherwise in exercise of the statutory or other powers for the time being exercisable by them:
- (7) Notwithstanding anything in this Part of this Act or in the Acts incorporated with this Act the compensation or consideration payable to the port authority by the Council in respect of all permanent or temporary works in the river or on or under the bed thereof constructed under the powers of the Act of 1931 or this Part of this Act shall be assessed in accordance with the provisions of section 254 of the Port of London (Consolidation) Act 1920 or any statutory provision in lieu thereof for the time being in force:
- (8) The Council shall not (except so far as shall be necessary in the construction of any works authorised by this Part of this Act) take any gravel soil or other material from the river without the previous consent of the port authority signified in writing under the hand of their secretary.

Any excavated material shall be placed and deposited above high-water mark of ordinary tides:

(9) The Council shall hang out and exhibit at or near—

(i) any works (whether temporary or permanent) constructed in on over or under the river under the powers of this Part of this Act both during the execution and after the completion of such works; and

(ii) any works constructed in on over or under the river under the powers of the Act of 1931;

during every night from sunset to sunrise such lights or illuminated notices (to be kept burning by and at the expense of the Council) and during every day such marks or notices as shall be proper and sufficient for the navigation and safe guidance of vessels and the said lights marks and notices shall be of such kind and number and from time to time be altered by the Council in such manner and shall be so placed and used as the port authority by writing under the hand of their secretary or other authorised officer shall approve or direct.

If the Council fail so to exhibit and keep burning such lights and to exhibit such marks or notices they shall for every such offence be liable to a daily penalty not exceeding twenty pounds:

(10) Any works constructed under the powers of this Part of this Act in on over or under the river shall when commenced be proceeded with and completed as soon as practicable to the reasonable satisfaction of the port authority and the Council shall after completion of any permanent works remove any temporary works and materials for temporary works which may have been placed in on over or under the river to the like satisfaction and any piles placed in the river shall upon removal be drawn and not cut off.

If the Council fail so to do after receipt of notice from the port authority the port authority may remove the same charging the Council with the reasonable expense of so doing and the Council shall forthwith repay to the port authority all expenses so incurred:

(11) The Council shall at all times allow the engineer or other authorised representative of the port authority to inspect or survey any works constructed in accordance with the provisions of the Act of 1931 or this Part of this Act in on over or under the river and shall give all reasonable facilities for such inspection and survey:

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- (12) The Council shall at the request of the port authority execute in connection with any works constructed under the powers of the Act of 1931 or this Part of this Act in on over or under the river such works in accordance with the terms of this section as may in the reasonable opinion of the port authority be necessary as a result of the construction of any such works by the Council for the protection and strengthening of the banks of the river and of the ait situate near the termination of Work No. 7 authorised by the Act of 1931:
- (13) The Council shall at their own expense make good any damage to the foreshore or bed of the river and remove any accumulation therefrom which shall in the reasonable opinion of the engineer for the time being of the port authority be attributable to the discharge into the river of any effluent storm or other waters authorised by this Part of this Act:
- (14) If at any time the port authority decide to widen or deepen the navigable channel of the river or of the backwaters of Isleworth ait or if the existence or continuing use of any of the works constructed under the powers of the Act of 1931 or this Part of this Act in on over or under the river in the reasonable opinion of the port authority cause a danger to navigation the Council shall as soon as may be after a notice shall have been served upon them by the port authority requiring them so to do alter or remove any of such works and relay the same at such level and according to such plans sections and elevations as may be reasonably approved by the engineer for the time being of the port authority:
- (15) Any matter required to be settled by arbitration under this section and any difference which may arise between the Council and the port authority under this section (other than a difference as to the meaning or construction of this section) shall be referred to arbitration.

For protection
of conservancy
board and
Metropolitan
Water Board.

118. For the protection of the conservancy board and the Metropolitan Water Board (in this section together referred to as "the two boards") the following provisions shall unless otherwise agreed in writing between the two boards and the Council have effect:—

(1) In this section—

the expression "the sludge disposal works" means the sludge tanks and drying beds and any other works comprised in Work No. 6 authorised by this Part of this Act;

the expression "the sludge disposal area" means the area comprised within the clay puddle walls to be constructed pursuant to this section:

- (2) The Council shall for the purpose of preventing contamination or pollution of the rivers springs streams reservoirs or underground waters in the vicinity of the sludge disposal works construct on all sides of those works and thereafter maintain and keep in good and efficient repair clay puddle walls keyed into the London clay so as completely to enclose and effectually to isolate the sludge disposal works and carried to a height above the surface of the ground sufficient to prevent the inflow of flood water into the sludge disposal area together with flood banks for the protection of such parts of the said clay puddle walls as are above the surface of the ground:
- (3) The said clay puddle walls and flood banks shall be constructed in accordance with plans sections and particulars previously submitted by the Council to and reasonably approved by and to the reasonable satisfaction of the two boards and under the superintendence (if after reasonable notice from the Council such superintendence shall be given) of the chief engineer of each of the two boards:
Provided that if either of the two boards do not within twenty-eight days after the receipt of such plans sections and particulars intimate to the Council their disapproval thereof or make any requirement with respect thereto that board shall be deemed to have approved the same:
- (4) The Council shall not pump or discharge or cause or permit to be pumped or discharged or to flow through or by means of any of their sewers or otherwise into the sludge disposal area any sewage sludge effluent or other water or liquid of whatsoever description in such quantities or to such extent or in such manner as to cause any sewage sludge effluent or other matter or liquid to overflow or percolate from those works over or through the said clay puddle walls:
- (5) Except as hereinafter provided the Council shall not discharge or permit to flow or percolate from the sludge disposal area or through or under the said clay puddle walls any sewage sludge effluent or other matter or liquid of whatsoever description lying or being on that area or any part thereof:

Provided that the Council may dispose of such sewage sludge effluent or other matter or liquid by

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discharging the same through the sewers (Works Nos. 3A and 3) by this Part of this Act authorised into the sewage purification and disposal works (Work No. 1) by this Part of this Act authorised:

- (6) The Council shall permit each of the two boards their officers and servants at all reasonable times to enter upon and inspect the sludge disposal works or any of them for the purpose of examining the state of repair of the said clay puddle walls and flood banks or of ascertaining whether there is any contravention of the provisions of this section:
- (7) Any difference which may arise under this section between the Council on the one hand and the two boards or either of them on the other hand shall be referred to arbitration.

For protection
of Conservancy
Board and
Catchment
Board.

119. The following provisions for the protection of the conservancy board and the catchment board shall unless otherwise agreed in writing between the Council and the two boards or one of them as the circumstances may require have effect—

(1) In this section—

“ The two boards ” means the conservancy board and the catchment board;

“ The navigation ” means the main line of the river Lee navigation from the flood-gates at the town mill at Hertford to the junction of that navigation with the river Thames at Limehouse Lock and to the sites of the south boundary stones in Bow Creek mentioned in section 3 (Description of Lee and tributaries) of the Lee Conservancy Act 1868 and the navigable rivers and streams connected directly or indirectly with such main line of the navigation above the sites of the said stones;

“ The main river ” means those portions of the channel of the river Lee and the small river Lee and the watercourses (as defined in the Land Drainage Act 1930) which are respectively to be treated as and to be deemed to be the main river and parts thereof and are shown by a distinct colour on the map of the Lee catchment area prepared and for the time being approved by the Minister of Agriculture and Fisheries under and pursuant to section 5 of the Land Drainage Act 1930;

“ The applied provisions ” means the provisions of the Public Health Acts as applied to the Council under section 67 (Application of Public Health Acts) of this Act;

“ The authorised works ” means so much of the works authorised by this Part of this Act or by the applied provisions as will be situate over under or within thirty yards measured horizontally from any part of the navigation or the main river;

“ The engineer ” means the engineer of the conservancy board in relation to any of the authorised works which affect the navigation and the engineer of the catchment board in relation to any of the authorised works which affect any part of the main river which is not part of the navigation:

(2) The Council shall not except in accordance with the provisions of this section enter upon take and use or interfere with either temporarily or permanently any part of the navigation or the towpath thereof or any other land of the conservancy board or any land of the catchment board other than any of the lands referred to in subsection (2) of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act but the Council may acquire and each of the two boards shall (if so required by the Council) grant to the Council such easements and rights in any lands of such board as the Council may require for the purposes mentioned in section 48 (Acquisition of easements) of this Act and the provisions of that section shall apply accordingly:

(3) (a) The Council shall not commence to construct or (except in emergency) alter any of the authorised works unless and until plans sections and other necessary particulars of the proposed works shall have been approved by both or one of the two boards (as the circumstances may require) or settled by arbitration nor (except in emergency) until the date of the commencement of the proposed works stated in a notice given pursuant to paragraph (b) of this subsection:

Provided that if either of the two boards do not within twenty-one days after submission to them of any plans sections or other particulars signify their disapproval thereof and the grounds of such disapproval that board shall be deemed to have approved thereof;

(b) The Council shall give to both or one of the two boards (as the circumstances may require) not less than seven days' notice in writing of the date on which they intend to commence any works the plans sections and particulars whereof have been approved or settled by arbitration in accordance with the provisions of paragraph (a) of this subsection;

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—cont.

(c) The engineer may at all reasonable times during the construction or alteration of the authorised works on giving reasonable previous notice inspect the authorised works and every reasonable facility shall be afforded to him by the Council for that purpose;

(d) The authorised works shall be constructed and any alteration thereof shall be carried out in accordance with plans sections and particulars relating thereto as approved or settled as aforesaid and to the reasonable satisfaction of the engineer and under his supervision if he shall elect to attend during the execution of the work;

(e) The Council shall pay to the conservancy board or the catchment board (as the case may require) the reasonable costs of such supervision as aforesaid and of such inspection as aforesaid as may be reasonably necessary:

- (4) Any of the authorised works when commenced shall be proceeded with and completed as quickly as possible:
- (5) The Council shall not (except so far as shall be reasonably necessary in the construction of the authorised works) take any gravel soil or other material from the bed of the navigation or the main river:
- (6) The construction maintenance renewal and alteration of the authorised works shall be carried out so as not to cause any interruption of the flow of water in the navigation or the main river or except so far as may be reasonably necessary any loss of water from or any injury to the navigation or the main river and so as not to occasion any interruption of traffic on the navigation or the towpaths thereof (except such interruption as cannot be reasonably avoided by the Council in carrying out the powers of this Part of this Act) and the said works shall be maintained by the Council in good and substantial repair:
- (7) If at any time the construction maintenance renewal or alteration of the authorised works or the failure or want of repair thereof is causing or likely to cause danger to the navigation or the towpaths thereof or the main river or interruption of the flow of water in the navigation or the main river or risk of loss of water therefrom or interruption of the traffic on the navigation or the towpaths thereof the Council shall forthwith execute such further works or take such

measures and precautions as the engineer may reasonably require for the purpose of preventing injury to the navigation or the towpaths thereof or the main river or interruption of the flow of water in or loss of water from the navigation or the main river or interruption of the traffic on the navigation or the towpaths thereof:

- (8) The Council shall repay to the conservancy board any additional cost which they may incur in removing any accumulation of mud or silt in the navigation at the mouth of the intercepting drain which shall be attributable to the discharge into the Salmon Brook of any effluent or storm or other waters in pursuance of section 47 (East Middlesex sewage lands and discharge of effluent) of this Act:
- (9) The Council shall repay to the catchment board all costs and expenses reasonably incurred by them in effecting such walling of the sides and such inverting in concrete of the bed of any part of the Salmon Brook between the point where the effluent is discharged from the lands referred to in paragraph (a) of subsection (2) of the said section 47 and the junction of that brook with Pymme's Brook to the south of Angel Road as may be agreed between the Council and the board or determined by arbitration to be necessary:
- (10) The Council shall bear and pay to the conservancy board in relation to any of the authorised works affecting the navigation and to the catchment board in relation to any of the authorised works affecting the main river other than the navigation the reasonable costs charges and expenses of the employment during the construction maintenance renewal or alteration of the authorised works of a reasonable number of watchmen to be appointed by the conservancy board for watching the navigation and the towpaths thereof or (as the case may be) by the catchment board for watching the main river with reference to the execution of the authorised works and for preventing so far as reasonably practicable any damage obstruction or danger to the navigation or the towpaths thereof or (as the case may be) the main river from any operation of the Council under this Part of this Act or the applied provisions or any act or default of their contractors or of any person in the employment of the Council:
- (11) The Council shall indemnify and hold harmless each of the two boards from all claims demands costs

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—cont.

expenses damages or loss which may be made on or against them or which they may incur or have to pay or which they may sustain in consequence of the construction use maintenance renewal or alteration of any of the works authorised by this Part of this Act or by the applied provisions or of the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Council their contractors agents workmen or servants:

Provided that the board on or against which any claim or demand is made shall give to the Council immediate notice of such claim or demand and that no settlement or compromise thereof shall be made except with the consent of the Council who shall if they so elect have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the same:

- (12) Any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) which may arise between the Council and the two boards or either of them or the engineer under this section shall be referred to arbitration:
- (13) The provisions of this section shall be in addition to and not in substitution for or in derogation of any other provisions of this Part of this Act or of any enactment incorporated with this Act or referred to therein to the benefit of which the two boards or either of them would have been entitled if this section had not been enacted.

Provisions as
to small river
Lee.

120. Notwithstanding anything in this Part of this Act the following provisions shall have effect except so far as may be otherwise agreed between the Council and the catchment board:—

- (1) In this section—

“ the northern part of Work No. 6A ” means so much of that work as will be situate between the commencement thereof as shown on the 1938 plans and a point at or near to the centre line of the work as so shown four furlongs and six chains or thereabouts from such commencement; and

“ the extension of Work No. 6A ” means a channel for completing the diversion of the small river Lee extending from the point of termination of the northern part of Work No. 6A to a point on the small river Lee three hundred and forty-

three yards or thereabouts below the south side of the bridge carrying Ordnance Road over that river:

(2) If reasonably practicable the catchment board shall complete the construction of the extension of Work No. 6A not later than completion by the Council of the northern part of Work No. 6A:

(3) If the catchment board complete the construction of the extension of Work No. 6A in accordance with the last preceding subsection—

(a) the Council shall not construct so much of Work No. 6A as would be situate between the commencement of the extension of Work No. 6A and the termination of Work No. 6A as shown on the 1938 plans; and

(b) the Council shall pay to the catchment board the reasonable cost properly incurred in the construction of the actual channel comprised in the extension of Work No. 6A but not the cost of or connected with the purchase of the land or the construction of any bridge or bridges or other works in connection therewith:

(4) The Council shall not enter upon interfere with or obstruct the flow of water along the small river Lee unless and until either—

(a) the northern part of Work No. 6A and the extension of Work No. 6A have been constructed; or

(b) Work No. 6A has been constructed:

Provided that this subsection shall not apply to any such entry interference or obstruction as shall be reasonably necessary for or in connection with the construction of Work No. 6A or the northern part of that work:

(5) The Council shall not construct Work No. 6A otherwise than according to such plans and sections as shall be approved by the catchment board and the catchment board shall not construct the extension of Work No. 6A otherwise than according to such plans and sections as shall be approved by the Council or in the event of difference in either case according to such plans and sections as shall be settled by arbitration and neither of the said bodies shall commence the construction of the work to be constructed by them until such plans and sections have been approved or settled:

Provided that such plans and sections shall be

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—cont.

deemed to have been approved by the body to whom they are submitted if that body do not notify in writing their disapproval thereof and the grounds of such disapproval within twenty-eight days after the plans and sections have been submitted:

- (6) In constructing Work No. 6A the Council shall to the reasonable satisfaction of the catchment board execute such works as the catchment board may reasonably require for the protection of adjoining lands from flooding and other injury:
- (7) Any difference between the Council and the catchment board under this section shall be referred to arbitration:
- (8) Work No. 6A or (as the case may be) the northern part and the extension of that work shall when completed be treated as part of the main river of the catchment board and the Minister of Agriculture and Fisheries shall vary the map of the river Lee catchment area in such a manner as appears to him to be necessary to give effect to the provisions of this subsection.

Saving for
pending
proceedings
&c.

63 & 64 Vict.
c. cxvii.

For further
protection of
Metropolitan
Water Board

121. All notices served and prosecutions or other proceedings commenced before the date on which the sewage of an East Middlesex constituent district or any part thereof is received into a sewer of the Council by the conservancy board under any of the provisions of the Lee Conservancy Act 1868 or the Lee Conservancy Act 1900 upon or against any local authority of a constituent district shall not abate or be discontinued or prejudicially affected by this Act but shall continue and have effect in like manner to all intents as if this Act had not been passed.

122. For the further protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Council and the board apply and have effect:—

- (1) In this section "authorised work" means any work authorised by this Part of this Act or by the provisions of the Public Health Acts (in this section called "the applied provisions") referred to in section 67 (Application of Public Health Acts) of this Act:
- (2) In the exercise of the powers of this Part of this Act the Council shall not except by agreement with the board—
 - (a) at any time execute or do any work which may involve any interference with the continuous supply of water by the board; or

(b) during the months of May June July August and September in any year execute or do any work—

(i) within a distance of three hundred feet measured horizontally from any part of the Staines aqueduct or Littleton to Kempton conduit of the board in the urban districts of Staines and Sunbury-on-Thames or of the pipe track of the board situate between Kempton and Cricklewood;

(ii) within a distance of one hundred feet measured horizontally from any part of the New River; or

(iii) within a distance of one hundred feet measured horizontally from any part of the aqueduct conduit or culvert referred to in subsection (5) of this section:

(3) Notwithstanding anything contained in this Part of this Act the Council shall not purchase any lands or property belonging to the board or the estate or interest of the board in any lands or property but subject to the provisions of section 48 (Acquisition of easements) of this Act the Council may acquire and the board shall if required by the Council grant such easements or rights in over or under such lands or property as may be reasonably necessary for the purposes referred to in the said section:

(4) (a) Not less than twenty-eight days before commencing to construct any of the sewers Works Nos. 2 2A 2B 2C 3 3A 4 4A 5 7 7A and 8 by this Part of this Act authorised or any sewer under the applied provisions the Council shall deliver to the board a plan and section of the sewer proposed to be constructed showing the depth below the surface of the ground at which it is proposed to be constructed together with particulars (ascertained by the sinking of boreholes at reasonable intervals) of the nature of the soil in or through which any such sewers as aforesaid (other than the said Works Nos. 2A 2B 2C 7A and 8) are proposed to be constructed;

(b) Where any such sewer as is referred to in paragraph (a) of this subsection or any part thereof is proposed to be constructed—

(i) so that the invert thereof will be below the base of the solid London clay or at a depth of less than five feet above that base; or

(ii) (as respects the sewer (Work No. 7) by this Part of this Act authorised) between points

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respectively one hundred feet westward of the western bank of the river Lee navigation and one hundred feet eastward of the eastern bank of the river Lee; or

(iii) (as respects the said sewer (Work No. 8) under Whitewebs Road or within a distance of two hundred yards measured horizontally from either side of that road;

such sewer or part (as the case may be) shall be constructed of such materials and according to such method as shall be approved by the board or as (in case of difference between the Council and the board) shall be determined by the Minister:

(5) Before commencing the construction of—

(i) any part of Work No. 2 Work No. 2c or Work No. 8 authorised by this Part of this Act under or within a distance of one hundred feet measured horizontally from any part of the New River in the borough of Southgate or the urban district of Enfield (as the case may be); or

(ii) any part of Work No. 4A authorised by this Part of this Act under or within a distance of one hundred feet measured horizontally from any part of the open aqueduct or the eighty-four inches diameter conduit or the double D culvert of the board in the borough of Chingford;

the Council shall execute such works or adopt such measures or precautions (whether temporary or permanent) as the chief engineer of the board may reasonably require for the purpose of preventing damage to or leakage or loss of water from the New River or the said open aqueduct conduit or culvert (as the case may be) by reason or in consequence of the construction maintenance use or failure of the said Works Nos. 2, 2c and 8 or the said Work No. 4A (as the case may be) or any works or operations of the Council in connection therewith:

(6) Not less than twenty-eight days before commencing any authorised work in under or over any street bridge or embankment in on or under which any aqueducts culverts conduits mains pipes valve hydrants syphons plugs or other works or apparatus (all of which including the aqueduct conduit and culvert referred to in subsection (5) of this section and the New River are in this section referred to as "apparatus") of the board are situate or in over or under or within a distance of thirty feet measured horizontally from any apparatus of the board situate

elsewhere than in on or under a street bridge or embankment the Council shall deliver to the board a plan section and particulars of the authorised work describing the proposed manner of executing the work and showing the whole of the works proposed to be executed in connection therewith including the alteration of the level of any street:

- (7) (a) At any time within twenty-eight days from the date of the receipt of any such plan section and particulars the board may by notice in writing to the Council intimate their disapproval of the proposed manner of executing the authorised work so far as it will or may involve interference with or endanger any apparatus of the board or make any reasonable requirements with respect to such plan section and particulars and in particular they may require the Council to provide and lay down such works and apparatus as may be reasonably specified by the board and in cases in which it is reasonably necessary they may require the Council to remove divert raise sink or otherwise alter the position of and to support any apparatus of the board and to substitute temporarily or otherwise other apparatus in such manner as may be reasonably necessary and to lay or place under any apparatus of the board cement concrete or other like substance (all of which works and operations are in this section referred to as "protective works");

(b) If the board shall not within the said period of twenty-eight days give any such notice in writing to the Council as aforesaid they shall be deemed to have approved the plan section and particulars as submitted to them and if within that period they give such notice the matters in difference shall be determined by arbitration:

- (8) The Council shall not execute any such work or operation as aforesaid except in accordance with the said plan section and particulars as so approved or deemed to have been approved by the board or settled by arbitration and subject thereto shall execute such work or operation to the reasonable satisfaction of the board:
- (9) If in the exercise of any of the powers of this Part of this Act or of the applied provisions the Council lower or raise the level of any street in which any apparatus of the board is situate so as to leave over the apparatus—

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(a) a less depth of cover (in the case of mains having an internal diameter exceeding twenty-four inches) than four feet or less than the existing covering where the same is less than four feet and (in the case of mains having an internal diameter exceeding twelve inches and not exceeding twenty-four inches) than three feet six inches or less than the existing covering where the same is less than three feet six inches and (in the case of any other main or apparatus) than three feet or less than the existing covering where the same is less than three feet; or

(b) a greater depth of cover than five feet where the covering now existing does not exceed five feet or more than the existing covering where the same exceeds five feet;

the board may either—

(i) relay the apparatus at such depth that the covering over the apparatus will be not less than such minimum covering or the existing covering whichever is the less or more than five feet or the existing covering whichever is the greater; or

(ii) where the apparatus is situate in the carriage way of such street divert the same under the foot way of such street and lay the same at such depth as to provide the said minimum covering or such less covering as the board may think fit:

(10) Any such authorised work as is referred to in subsection (6) of this section and all the works to be executed or provided by the Council under this section or any other provision of this Part of this Act or any of the applied provisions in connection with any apparatus of the board shall except as hereinafter provided be so executed or provided by the Council to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Council such superintendence be given) of the chief engineer of the board and the reasonable expenses of such superintendence shall be paid by the Council to the board provided that an account of such expenses is submitted by the board to the Council as soon as reasonably practicable after the amount thereof has been ascertained by the board.

(11) Not less than twenty-eight days before commencing the construction of any such authorised work as referred to in subsection (6) of this section the Council shall give to the board notice in writing of their intention to commence such construction and shall state in such notice the place and time at which

they propose so to commence and if within twenty-one days after the receipt of such notice the board shall give notice to the Council of their intention so to do they may themselves make or execute any removal diversion or alteration under the provisions of this section of the position of any apparatus of the board or any protective works which may be agreed between the board and the Council or settled by arbitration and in any such case the board shall subject to the provisions of this section commence such removal diversion or alteration or protective works when requested so to do by the Council and execute and complete the same with all reasonable dispatch The Council shall repay to the board the expense reasonably incurred by the board in making or executing any removal diversion or alteration or protective works under the provisions of this subsection provided that an account of such expenses is submitted by the board to the Council as soon as reasonably practicable after the amount thereof has been ascertained by the board:

- (12) The Council shall not sink any shaft within a distance of one hundred feet measured horizontally from the New River or from the aqueduct conduit and culvert respectively referred to in subsection (5) of this section except with the consent of the board which shall not be withheld unreasonably:
- (13) If in the exercise by the Council of any of the powers of this Part of this Act or of the applied provisions or in the maintenance repair or renewal of any authorised work any damage to any apparatus or property of the board or any interruption in the supply of water by the board shall be caused the Council shall bear and pay to the board the cost reasonably incurred in making good such damage and shall make compensation to the board for any loss or damage sustained by them by reason of any damage to or interference with any such apparatus or property or any such interruption of supply and shall indemnify the board against all penalties claims demands proceedings costs damages and expenses which may be made or taken against the board or recovered from or incurred by the board by reason or in consequence of any such damage interference or interruption:

Provided that the board shall deliver to the Council an account of the sum claimed by the board to be payable by the Council under this subsection

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—cont.

as soon as practicable after the amount thereof has been ascertained by the board:

- (14) If any loss of water shall be sustained by the board by reason of any act or omission of the Council or of any of their contractors agents workmen or servants or any person in the employ of them or any of them in the exercise by the Council of any of the powers of this Part of this Act or of the applied provisions the Council shall pay to the board the value of the water so lost as aforesaid:
- (15) Notwithstanding the stopping up temporarily under the powers of this Part of this Act of any street road footpath way place or bridge or any part thereof in which any apparatus of the board is situate the board their engineers officers and servants shall at all times have all rights of access to all or any apparatus of the board situate in on or under such street road footpath way place or bridge and shall be at liberty to do all such works and things in upon or under such street road footpath way place or bridge as may be necessary for the purposes of inspecting repairing maintaining removing or renewing such apparatus and the Council shall afford reasonable facilities for such access:
- (16) The expenses of all repairs or renewals of any apparatus of the board which may at any time be rendered necessary by reason or in consequence of any act omission or default of the Council or their contractors or agents or the workmen or servants or any person in the employ of them or any of them or by or in consequence of any failure of any authorised work or of any subsidence resulting from such work whether during the construction or at any time after the completion thereof shall be borne by the Council and paid by them to the board:
- (17) The board may if they think fit employ such watchmen and inspectors as they may deem reasonably necessary to watch and inspect the execution of any works under the powers of this Part of this Act or of the applied provisions so far as such works will or may interfere with or affect any apparatus of the board and the reasonable costs of the employment of such watchmen and inspectors shall be borne by the Council and be paid by them to the board provided that an account of such cost is submitted by the board to the Council as soon as reasonably practicable after the amount thereof has been ascertained by the board:

(18) The Council shall indemnify and save harmless the board against any additional costs expenses or liabilities which the board may incur or suffer or be subject to or any additional payments which the board may be required to make to the catchment board in or in connection with the maintenance cleansing or repair of Pymme's Brook or of the intercepting drain by reason or in consequence of the construction maintenance or user of any of the works authorised by this Part of this Act or the applied provisions or of the works or operations of or anything done by the Council thereunder:

(19) Any difference which may arise between the Council and the board under this section shall be referred to arbitration:

(20) The provisions of this section shall be in addition to and not in substitution for or in derogation of any other provisions of this Part of this Act or of any enactment incorporated with this Act or referred to in this Part of this Act to the benefit of which the board would have been entitled if this section had not been enacted.

123.—(1) Nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections and for the purposes of those provisions the Council shall be deemed to be a local authority. Application of Electricity Acts.

(2) If under the powers of this Part of this Act the Council shall stop up temporarily any street in which any works of any such undertakers as aforesaid have been placed such undertakers shall be entitled to reasonable means of access to any such street for the purpose of exercising their powers rights duties and obligations as such undertakers as aforesaid.

124. For the protection of the Northmet Power Company the Metropolitan Electric Supply Company Limited the Brentford Electric Supply Company Limited the Egham and Staines Electricity Company Limited and the Uxbridge and District Electricity Supply Company Limited (each of which companies is in this section referred to as "the company") the following provisions shall (in addition to any other provisions enuring for the protection of the company) unless otherwise For protection of Northmet Power Company and other electricity companies.

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—cont.

agreed in writing between the Council and the company have effect:—

(1) In this section—

“ apparatus ” means all or any electric lines (as defined in the Electric Lighting Act 1882) street boxes works or other apparatus belonging to the company;

“ the applied provisions ” means the provisions of the Public Health Acts as applied to the Council under section 67 (Application of Public Health Acts) of this Act;

“ the specified works ” means any of the works authorised by this Part of this Act or the applied provisions which will be laid or constructed in or under any part of a street or road in which any apparatus of the company is situate or under or over or within five yards measured horizontally from any apparatus of the company not situate in a street or road and includes any extension enlargement alteration reconstruction renewal or removal of any of those works or any work forming part of the West Middlesex undertaking:

(2) At least twenty-eight days before commencing to execute any of the specified works the Council shall except in case of emergency submit to the company for their reasonable approval plans and sections of the work proposed to be executed and particulars of the proposed manner of executing it and if the company disapprove thereof or make any requirement in relation thereto the work shall not be commenced until the plans sections and particulars have been agreed or settled by arbitration:

Provided that if the company do not within the period of twenty-one days from the submission of any plans sections or particulars under this paragraph signify their approval or disapproval thereof or their requirement in relation thereto they shall be deemed to have approved thereof:

(3) Each of the specified works shall be executed and maintained in accordance with the plans sections and particulars so approved or settled as aforesaid and to the reasonable satisfaction and under the supervision (if given) of the company's engineer who shall be entitled to inspect the specified works both during the execution and after the completion thereof. The Council shall supply the engineer with such information as he may reasonably require with regard to any of the specified works proposed to be

executed and the dimensions strength and description of all materials used or to be used in the execution thereof:

- (4) If the specified works as proposed to be executed will interfere with or endanger (whether by subsidence or otherwise) any of their apparatus or impede the supply of electricity thereby the company may give notice to the Council to raise lower or otherwise alter the position of or to support such apparatus or to substitute temporarily or permanently other apparatus or to execute works for the protection of such apparatus in such manner as may be reasonably necessary Any difference as to the reasonable necessity for or the extent or nature of such raising lowering alteration support or substitution or of such protective works shall be settled by arbitration:
- (5) All such raising lowering alteration support or substitution or protective works as aforesaid shall be done and executed by and at the expense of the Council but to the reasonable satisfaction and under the supervision (if given) of the engineer of the company:
Provided that if the company by notice in writing to the Council within seven days after the receipt by them of notice of the intended commencement by the Council of any of the specified works so require the company may by their own engineer and workmen execute any such raising lowering alteration support or substitution of the apparatus of the company or any such protective works as may be agreed or determined as aforesaid to the reasonable satisfaction and under the supervision (if given) of the Council's engineer:
- (6) The Council shall pay to the company the reasonable costs of any inspection or supervision by the company's engineer under this section of any work of the Council and any expenses reasonably incurred by the company under the proviso to paragraph (5) hereof:
- (7) If in consequence of the construction use alteration repair or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or otherwise in consequence of the exercise by the Council of any of the powers of this Part of this Act or the applied provisions or by reason of any act or omission of the Council or of any of their contractors agents workmen or servants any damage to any

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apparatus of the company or any interruption in the supply of electricity by the company or any loss of electricity shall be in any way occasioned or sustained the Council shall make compensation to the company for and indemnify them against all damages losses claims or expenses incurred by or caused to the company by or by reason or in consequence of such damage interruption or loss and the amount of such compensation failing agreement shall be settled by arbitration:

- (8) Any difference which may arise between the Council and the company under this section and any matter required by this section to be submitted to arbitration shall be referred to and determined by an arbitrator.

For further
protection of
Northmet
Power
Company.

125. For the protection of the Northmet Power Company (in this section referred to as "the company") the following provisions shall (in addition to any other provisions enuring for the protection of the company) unless otherwise agreed in writing between the Council and the company have effect:—

- (1) In exercise of the powers of the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof as incorporated with and applied for the purposes of this Part of this Act the Council shall not enter upon occupy use or otherwise interfere with any lands forming the site of any substation or other works belonging to the company:
- (2) In constructing Work No. 2A under or in pursuance of this Part of this Act or any work connected therewith or incidental thereto the Council shall not enter upon take use or interfere with either permanently or temporarily or purchase or acquire any part of the land forming the site of the company's Waterfall Road substation and numbered on the 1938 plans I4A in the borough of Southgate nor shall the Council in constructing using maintaining renewing enlarging or varying the position of the said works interfere except so far as may be temporarily necessary with the access by the company or their officers servants or agents to or from the said land from or to the public road known as Waterfall Road:
- (3) The Council shall not acquire any part of the land belonging to the company which is numbered on the 1938 plans 51 in the urban district of Enfield but the

Council may purchase and take and the company shall if so required by the Council grant such easements or rights in such lands and under or across the railway siding connecting the company's Brimsdown power station with the London and North Eastern Railway (in this section referred to as "the railway siding") as the Council may require for the purposes of Works Nos. 3A and 5 authorised under or in pursuance of this Part of this Act and the provisions of section 48 (Acquisition of easements) of this Act shall apply accordingly:

- (4) The Council in constructing using maintaining renewing or altering the said Works Nos. 3A and 5 and any works connected therewith or incidental thereto shall not without the consent of the company (except so far as may be temporarily necessary during the construction maintenance renewal or alteration of the said works) obstruct hinder or interfere with either temporarily or permanently the free uninterrupted and safe user of the railway siding and the conduct of any traffic thereon and if at any time the free uninterrupted and safe user of the railway siding or the conduct of any traffic thereon shall be obstructed hindered or interfered with the Council shall pay to the company or to any other person lawfully using the railway siding all reasonable costs and expenses to which the company or such person may be put as well as compensation for the loss sustained by them by reason of any such obstruction hindrance or interference:
- (5) The company and any person lawfully using the railway siding shall not be liable for any damage or injury howsoever caused to the said Works Nos. 3A and 5 or to any other works whether temporary or permanent authorised under or in pursuance of this Part of this Act resulting from the user of the railway siding:
- (6) The Council shall indemnify and hold harmless the company and any person lawfully using the railway siding from all claims demands costs charges expenses damages loss or damage which may be made on or against either or both of them or which they may jointly or severally incur or sustain or have to pay in consequence of any injury caused to the railway siding by the construction use maintenance renewal or alteration of the said Works Nos. 3A and 5 or any works connected therewith or incidental thereto or the failure or want of repair thereof or any subsidence

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caused by the construction thereof or in consequence of any act or omission of the Council their agents workmen or servants:

- (7) Any difference which may arise between the Council of the one part and the company or any person lawfully using the railway siding of the other part under this section (other than a difference between the Council and the company to which the provisions of the Lands Clauses Acts apply) shall be referred to arbitration.

For protection of certain gas and water companies.

126. For the protection of the Barnet District Gas and Water Company the Colne Valley Water Company the Gas Light and Coke Company the Hampton Court Gas Company the Hornsey Gas Company the North Middlesex Gas Company the Rickmansworth and Uxbridge Valley Water Company the South West Suburban Water Company the Tottenham and District Gas Company the Uxbridge Maidenhead Wycombe and District Gas Company the Wandsworth and District Gas Company and the Watford and St. Albans Gas Company (each of which companies is in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council have effect:—

(1) In this section—

"apparatus" means aqueducts conduits mains pipes valves syphons or other works or apparatus belonging to the company;

"the applied provisions" means the provisions of the Act of 1936 as applied to the Council under section 67 (Application of Public Health Acts) of this Act; and

"authorised work" means any work carried out in the exercise of the powers of this Part of this Act or of the applied provisions:

- (2) Not less than twenty-eight days before commencing any authorised work within a distance of fifteen feet of any apparatus the Council shall deliver to the company a plan section and particulars of such work describing the proposed manner of executing the work and showing any alteration of the level of any street proposed to be made in connection therewith:
- (3) (a) At any time within twenty-eight days from the receipt of any such plan section and particulars the company may by notice in writing to the Council intimate their disapproval of the proposed manner of executing the authorised work so far as it will or may involve interference with or endanger any apparatus

or make any reasonable requirements with respect to such plan section and particulars and in particular they may require the Council to provide and lay down such works and apparatus as may be reasonably specified by the company and to remove divert raise sink or otherwise alter the position of and to support any apparatus of the company and to substitute temporarily or otherwise other apparatus in such manner as may be specified by the company (all of which works and operations are in this section referred to as "protective works");

(b) If the company shall not within the said period of twenty-eight days give any such notice to the Council they shall be deemed to have approved the plan section and particulars as submitted to them and if within that period they give such notice the matters in difference shall be determined by arbitration:

- (4) The Council shall not execute any such work or operation as aforesaid except in accordance with the said plan section and particulars as so approved by the company or settled by arbitration:
- (5) If in the exercise of any of the powers of this Part of this Act or of the applied provisions the Council lower or raise the level of any street in which any apparatus is situate so as to leave over the apparatus a covering of less than three feet where the existing covering is not less than three feet or less than the existing covering where the same is less than three feet or more than five feet where the existing covering does not exceed five feet or more than the existing covering where the same exceeds five feet they shall either—
- (a) relay the apparatus at such depth that the covering over the apparatus will be not less than such minimum covering or more than such maximum covering; or
- (b) where the apparatus is situate in the carriage-way of such street divert the same under the footway of such street and lay the same at such depth as to provide the said minimum covering or such less covering as the company may think fit:
- (6) Any such authorised work as is referred to in subsection (2) of this section and all the works to be executed or provided by the Council under this section shall be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from

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the Council such superintendence be given) of the engineer of the company and the reasonable expenses of such superintendence shall be paid by the Council to the company provided that an account of such expenses is submitted by the company to the Council as soon as reasonably practicable after the amount thereof has been ascertained by the company:

- (7) Not less than twenty-one days before commencing the construction of any authorised work within a distance of fifteen feet of any apparatus of the company the Council shall give to the company notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within fourteen days after the receipt of such notice the company shall give notice to the Council of their intention so to do they may themselves make or execute any removal diversion or alteration under the provisions of this section of the position of any apparatus of the company or any protective or substituted works which may be agreed between the company and the Council or settled by arbitration and in any such case the company shall subject to the provisions of this section commence such diversion or alteration or protective or substituted works when requested so to do by the Council and execute and complete the same with all reasonable dispatch. The Council shall repay to the company the expense reasonably incurred by the company in making or executing any diversion or alteration or protective or substituted works under the provisions of this subsection:
- (8) If in the exercise by the Council of any of the powers of this Part of this Act or of the applied provisions or in the maintenance of any authorised work any damage to any apparatus or property of the company or any interruption in the supply of gas or water by the company shall be caused the Council shall bear and pay to the company the cost reasonably incurred in making good such damage and shall make full compensation to the company for any loss sustained by them by reason of any damage to or interference with any such apparatus or property or any such interruption of supply and shall indemnify the company against all penalties claims demands proceedings costs damages and expenses which may be made or taken against the company or recovered from or incurred by the company by reason or in conse-

quence of any such damage interference or interruption:

- (9) If any loss of gas or water shall be sustained by the company by reason of any act or omission of the Council or of any of their contractors agents workmen or servants or any person in the employ of them or any of them in the exercise by the Council of any of the powers of this Part of this Act or of the applied provisions the Council shall pay to the company the value of the gas or water so lost:
- (10) Notwithstanding the stopping up temporarily under the powers of this Part of this Act of any street road footpath way place or bridge or any part thereof the company shall at all times have all such rights of access to any apparatus situate in or under such street road footpath way place or bridge as they would have had if the same had not been stopped up and shall be at liberty to do all such works and things in upon or under such street road footpath way place or bridge as may be necessary for the purposes of repairing maintaining removing or renewing such apparatus and the Council shall afford all reasonable facilities for such access and for all or any of such purposes as aforesaid:
- (11) The expenses of all repairs or renewals of any apparatus which may at any time be rendered necessary by reason or in consequence of any act omission or default of the Council or of any subsidence resulting from such work whether during the construction or at any time within twelve months after the completion thereof shall be borne by the Council and paid by them to the company:
- (12) Whenever by reason of the exercise by the Council of the powers of this Part of this Act or of the applied provisions any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Council) shall be rendered derelict useless or unnecessary the Council shall pay to the company such a sum as may be agreed between the Council and the company or as failing such agreement shall be determined by arbitration to be the value of such apparatus and such apparatus shall thereupon become the property of the Council and in addition to such payment the Council shall pay to the company the reasonable cost of and incidental to the cutting off of any such derelict useless or unnecessary apparatus from any other apparatus of the company and of and incidental to any other

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works or things rendered necessary or expedient in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Council of the powers of this Part of this Act or of the applied provisions provided that an account of such last-mentioned cost is submitted by the company to the Council as soon as reasonably practicable after the amount thereof has been ascertained by the company:

- (13) The company may if they think fit employ such watchmen and inspectors as they may deem reasonably necessary to watch and inspect the execution of any works under the powers of this Part of this Act or of the applied provisions so far as such works will or may interfere with or affect any apparatus and the reasonable cost of the employment of such watchmen and inspectors shall be borne by the Council and be paid by them to the company provided that an account of such cost is submitted by the company to the Council as soon as reasonably practicable after the amount thereof has been ascertained by the company:
- (14) Any difference which may arise between the Council and the company under this section shall be referred to arbitration.

For protection
of Barnet
District Gas
and Water
Company.

127. For the protection of the Barnet District Gas and Water Company (in this section referred to as "the company") the following provision shall unless otherwise agreed in writing between the company and the Council have effect:—

- (1) Notwithstanding anything in this Part of this Act the Council shall not construct any work carried out in the exercise of the powers of this Part of this Act or of the provisions of the Public Health Acts as applied to the Council under section 67 (Application of Public Health Acts) of this Act within a distance of fifteen feet from so much of the company's existing twenty-inch water main as is situate between Western Way in the urban district of Barnet and Totteridge Lane in the borough of Finchley except for the purpose of crossing under the said main:

Provided that where any such work is constructed for the purpose aforesaid within a distance of fifteen feet from the said main the Council shall provide adequate support for the said main to the reasonable satisfaction of the company's engineer:

- (2) Any difference between the Council and the company under this section shall be referred to arbitration.

128. For the protection of the Great Western Railway Company the London Midland and Scottish Railway Company the London and North Eastern Railway Company the Southern Railway Company the Great Western and Great Central Railways Joint Committee and the Metropolitan and Great Central Joint Committee (each of which is in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the railway company and the Council apply and have effect:—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any work of the Council forming part of the West Middlesex undertaking or authorised by this Part of this Act which may be situate upon across over under or in any way affecting the railway or property or works of the railway company (all of which works of the Council are hereinafter called "the authorised works") the same shall be done by and in all things at the expense of the Council except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the railway company (in this section referred to as "the said engineer") and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway or works and except in cases of repair according to plans sections specifications and particulars to be submitted to and reasonably approved by the said engineer before any of the authorised works shall be executed:

Provided that if the said engineer shall not signify his approval or disapproval of such plans sections specifications and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof:

Provided further that no manhole or inspection chamber shall be constructed upon the railway or property of the railway company and no part of any of the authorised works shall be constructed so that when completed it shall be less than three feet below the level of the rails of the railway:

- (2) The Council shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the railway company and the roads which the railway company are liable to maintain over or under any bridge or over any

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level-crossing of such railway or over the approaches to any such bridge or level-crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Council:

- (3) If the railway company so elect they may themselves execute and maintain the authorised works or any of them and may recover the reasonable cost of so doing from the Council (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the railway company in and about such works):
- (4) The authorised works shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the railway company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Council or by reason of the failure of the Council to maintain the authorised works or any of them or if any bursting leakage or failure of any of the authorised works over under or near to any railway or works of the railway company shall cause any injury to such railway or works all such injury shall forthwith be made good by the Council at their own expense and to the reasonable satisfaction of the said engineer and the Council shall be responsible for and save harmless and indemnify the railway company from all claims in respect of any such injury or interruption and shall make compensation to the railway company for and in respect thereof including any compensation payable as aforesaid and compensation for disturbance of traffic which the construction or maintenance of the authorised works may entail:
- (5) In the event of the Council failing to make good such injury as aforesaid or failing to maintain the authorised works in substantial repair and good order to the reasonable satisfaction of the said engineer the railway company after giving to the Council not less than fourteen days' notice except in case of emergency when they shall give the longest notice practicable may make good the same and make and do in and upon as well the lands of the Council as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Council:

- (6) If by reason of the construction or maintenance of any of the authorised works it shall become necessary to reconstruct alter strengthen underpin or in anywise interfere with the structure of any bridge embankment or other work of the railway company such reconstruction alteration strengthening or underpinning shall be carried out by the railway company after seven days' notice of their intention so to do to the Council at such times and in such manner as they think expedient or necessary and the reasonable cost thereof shall be borne and paid by the Council:
- (7) If it should be necessary during the construction of any of the authorised works or by reason of the existence of the same to alter any of the telegraph telephone or signal posts wires or cables or other work or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the Council shall repay to them the reasonable expenses incurred by them in and connected with such alterations:
- (8) The Council shall not under the powers of this Part of this Act acquire compulsorily any lands of the railway company save and except that the Council may acquire and the railway company on being required so to do by the Council shall sell to the Council such a right or easement as may be necessary to enable the Council to construct and maintain any of the authorised works over under or across the railway or property of the railway company and the Council shall pay to the railway company for any right or easement which they may so require the railway company to sell such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts:
- (9) The Council shall not without the consent of the railway company which shall not be unreasonably withheld either temporarily or permanently enter upon use or interfere with the railway or works of the railway company save only so far as may be necessary for the construction and maintenance of the authorised works:
- (10) The Council shall bear and on demand pay to the railway company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any of the authorised works of such inspec-

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tors signalmen or watchmen to be appointed by the railway company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person or persons in the employ of the Council or their contractors:

- (11) Nothing contained in this Part of this Act or in the Act of 1936 shall prejudice or affect the existing right of the railway company to construct erect maintain or alter railways buildings or works upon any land belonging to them through or under which any sewer of the Council shall be constructed:
- (12) Before the construction of any of the authorised works under or adjoining the railway or works of the railway company any temporary works which may in the opinion of the said engineer be reasonably necessary to ensure the stability of such railway or works may and shall be carried out by the railway company for the Council and the reasonable costs thereof and any reasonable expenses incurred in connection therewith shall be repaid by the Council to the railway company on demand:
- (13) If any work is carried out by the railway company as aforesaid the Council shall repay to the railway company all sums properly expended by them from time to time in or about the preparation of detailed drawings the construction and carrying out of the work and upon the materials required for the same including all reasonable costs of any necessary inspectors and watchmen and of the preparation and settlement of any plans and sections and specifications of such works and materials:
- (14) If it shall be reasonably necessary at any time (either before or during the construction or within two years after the completion of the authorised works or any part thereof and in consequence of such construction) that any future or other works or appliances be constructed or measures of precaution taken either by way of addition to the existing works of the railway company or in connection with the authorised works or in relation to the method of construction of the authorised works so as to prevent the subsidence of or injury to any of the railways or works or property of the railway company the Council shall on being thereunto

reasonably required in writing under the hand of the said engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and reasonably approved by the engineer to the Council such works or take such measures of precaution including the temporary cessation of the construction of the authorised works as the said engineer shall reasonably require. The construction of the authorised works when commenced shall proceed with all reasonable dispatch :

- (15) If the railway company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the authorised works may have been constructed or laid the railway company may after giving to the Council fourteen days' notice in writing under the hand of their secretary or general manager or in case of emergency after giving such notice as is reasonably practicable divert support or carry the authorised works across over or under the railway at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the flow of sewage or other liquid or solid matter without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works :

Provided that any works executed by the railway company under this subsection shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Council and to the reasonable satisfaction of the Council :

- (16) Any additional expense which the railway company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the authorised works shall be paid by the Council :
- (17) Nothing in this section contained shall prejudice alter or affect the rights of the railway company or the Council under any agreement between them relating to the sewers mains pipes or other works of the Council and where the provisions of such agreement are inconsistent with the provisions of

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this section the provisions of the said agreement shall apply:

- (18) Should the Council exercise the powers of section 15 of the Act of 1936 as applied by this Part of this Act in through or under any railway land or property of the railway company the provisions of this section shall apply thereto as if the works to be constructed were works authorised by section 44 (Power to make authorised works) of this Act:
- (19) Provided that the railway company shall not be entitled to recover from the Council under this section any sum in respect of cost or expense incurred by the railway company unless they apply to the Council in writing for the payment of such sum within six months after the cost or expense has been incurred:
- (20) Except as in this section otherwise expressly provided any difference arising between the Council and the railway company respecting any of the matters referred to in this section shall be referred to arbitration.

For protection
of transport
board
Part IV.

129. The following provisions for the protection of the transport board (in this section referred to as "the board") shall unless otherwise agreed in writing between the Council and the board apply and have effect in addition to any other provision enuring for the protection of the board:—

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

"Trolley vehicle apparatus" means posts poles standards brackets conductors tubes transformers mains cables feeders wires and other apparatus and equipment for the purpose of working or lighting trolley vehicles or for the purpose of telephonic communication in connection therewith or for the purpose of connecting such apparatus or equipment with any depot or lands of the board or any generating station or substation;

"The engineer" means the general manager of the board;

"The prescribed works" means the work of making maintaining renewing or enlarging the works authorised by this Part of this Act or forming part of the West Middlesex undertaking so far as the same may be situate within fifteen feet measured horizontally from any trolley vehicle apparatus of the board or (as the case may require) such works when completed or any of them or any part thereof respectively:

- (2) The provisions of section 128 (For protection of railway companies) of this Act shall extend and apply to the railways of the board and the works forming part of such railways and the lands or property owned or occupied by the board in connection therewith as if the board had been one of the railway companies named in that section and the following provisions of this section shall not apply to such railways works lands or property but shall apply to the trolley vehicle system of the board.

The expression "the said engineer" where used in the said section shall mean the general manager of the board:

- (3) In executing the prescribed works the same shall be done under the supervision (if the same be given) and to the reasonable satisfaction of the board and not otherwise than in accordance with plans sections and particulars (in this subsection referred to as "the plans") previously submitted to and approved in writing by the engineer or in case of difference settled by arbitration:

Provided that if the engineer shall not within twenty-eight days after the plans shall have been submitted for his approval notify to the Council in writing his disapproval thereof he shall be deemed to have approved the plans:

- (4) The Council shall when executing the prescribed works make good and restore to the reasonable satisfaction of the engineer any trolley vehicle apparatus of the board:
- (5) The Council shall give seven days' notice in writing to the board before commencing to execute the prescribed works:
- (6) The prescribed works shall be executed by the Council at such times and in such manner as the engineer may reasonably direct and when commenced shall be completed with all reasonable dispatch:
- (7) The prescribed works shall be executed and maintained by the Council so as to cause as little damage injury or danger as may be to any trolley vehicle apparatus of the board and so as not to cause (so far as can reasonably be avoided) any interruption impediment or delay to the safe passage and conduct of traffic on any trolley vehicle route of the board:
- (8) If any such damage injury danger interruption impediment or delay as aforesaid shall be caused by

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or be attributable to any of the prescribed works or by or to the acts or defaults of the Council or their officers servants contractors or workmen or any other person employed in connection with such work or by or to the failure of any such work (such damage injury danger interruption impediment or delay not being the result of inevitable accident) the Council shall indemnify and save harmless the board from all or any claims and demands which may be made upon the board in connection with such damage injury danger interruption impediment or delay and shall also make compensation to the board in respect of any damage loss or injury which they may sustain or any expense to which they may be put in connection with any such damage injury danger interruption impediment or delay and the amount of such compensation shall in case of difference be settled by arbitration:

- (9) If having regard to the proposed position of the prescribed works in relation to the position of any trolley vehicle apparatus of the board or by reason of the execution of the prescribed works it becomes reasonably necessary that any part of any trolley vehicle apparatus of the board should be altered reconstructed or strengthened the board may at such times and in such manner as they may reasonably think expedient or necessary execute the works reasonably necessary for such alteration reconstruction or strengthening and the costs charges and expenses reasonably incurred by the board in executing such works shall be repaid by the Council to the board:
- (10) The Council shall pay to the board all expenses reasonably incurred by the board in the supervision of the execution of the prescribed works and in watching lighting supporting and protecting any trolley vehicle apparatus of the board with reference to and during the execution of the prescribed works:
- (11) For the purposes of subsections (9) and (10) of this section the costs charges or expenses reasonably incurred by the board shall be deemed to include any compensation damages and costs payable to any workmen or the legal personal representatives or dependants of workmen who may be injured or killed whilst employed by the board in or about the works or operations respectively mentioned in the said subsections:

- (12) Any additional expense which the board may reasonably incur in maintaining repairing renewing altering or reconstructing any trolley vehicle apparatus by reason of the existence of the prescribed works shall be paid by the Council:
- (13) Any difference which may arise between the board or the engineer and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out by the Council or the board shall be referred to arbitration:
- (14) Notwithstanding the repeal effected by this Act the board shall have the same protection for their transport undertaking in respect of any works which have been carried out under the powers of the Act of 1931 as if the said works had been carried out under the corresponding provisions of this Part of this Act.

130. The following provisions for the protection of the canal company shall unless otherwise agreed in writing between the Council and the canal company apply and have effect with reference to the works of the Council in the West Middlesex district:—

For protection
of canal
company.

(1) In this section—

the expression “ the canal ” includes all the canals of the canal company and the works of the canal company connected therewith;

the expression “ the feeders ” means the Brent feeder and the Ruislip feeder and includes any other feeder or watercourse of the canal company;

the expression “ the specified works ” means any of the works constructed in pursuance of the Act of 1931 which has been laid or constructed and any of the works to be constructed under the powers of this Part of this Act which will be laid or constructed under over or across the canal or the towpath thereof or any of the feeders or any other land or property of the canal company or within ten yards measured horizontally from any part of the canal or the towpath or the feeders or other land or property of the canal company and includes any work of repairing maintaining or renewing any of such works as aforesaid; and

the expression “ new specified works ” means such of the specified works as are constructed after the commencement of this Act:

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- (2) The Council shall not under the powers of this Part of this Act except in accordance with the provisions of this section enter upon take use or interfere with either temporarily or permanently any part of the canal or towpath thereof or the feeders or any other land or property of the canal company except that the Council may purchase and the canal company shall (if so required by the Council) grant to the Council such easements under over or across the canal or the towpath or the feeders or other land or property of the canal company (in addition to any easements already granted by the canal company under the Act of 1931) as may be reasonably required by the Council for constructing repairing maintaining or renewing any of the specified works but subject to the provisions of this section.

The consideration to be paid for any easement acquired by the Council pursuant to this subsection shall (if not agreed with the canal company) be determined in manner provided by the Lands Clauses Acts:

- (3) The Council shall not (except in emergency) commence to execute any of the new specified works unless and until plans sections and other necessary particulars of the works proposed to be executed shall have been approved by the canal company or settled by arbitration nor until the expiry of the notice to be given under subsection (4) hereof of the date of the commencement of the work:

Provided that if the canal company do not within twenty-one days after the submission to them of any plans sections or other particulars signify their disapproval thereof and the grounds of such disapproval they shall be deemed to have approved thereof:

- (4) The Council shall give to the canal company not less than fourteen days' notice in writing of the date on which they intend to commence any of the new specified works and such notice shall not be given with respect to any particular work until the plans sections and particulars thereof have been approved by the canal company or settled by arbitration in accordance with the provisions of subsection (3) hereof:

- (5) (a) Each and every of the new specified works shall be executed in accordance with the plans sections and particulars as so approved or settled;

(b) Each and every of the new specified works which is constructed under the waterway or towpath of the canal shall be constructed so that no part

of the work shall be less than eight feet six inches below the weir level at the nearest weir on the canal;

(c) Each and every of the new specified works which is constructed over under or across the river Brent or any of the feeders shall be constructed so as not to obstruct or in any manner interfere with the free flow of water along such river or feeder:

- (6) If at any time the canal company's engineer shall be of opinion that the execution of any of the new specified works may be attended with danger to the canal or involve any risk of loss of water therefrom the Council shall forthwith execute such further works or take such measures and precautions as the said engineer may reasonably require for the purpose of preventing injury to the canal or towpath thereof or loss of water from the canal.

Any difference which may arise between the respective engineers of the Council and the canal company as to the reasonableness of any requirement of the canal company's engineer under this subsection shall be settled by arbitration:

- (7) The Council shall during the execution of any and each of the specified works bear and pay to the canal company the reasonable costs charges and expenses of the employment of a sufficient number of inspectors or watchmen to be appointed by the company for watching the canal and towpath thereof and other property of the canal company with reference to the execution of the works and for preventing so far as may be any damage obstruction or danger to the canal or towpath or other property of the canal company from any of the operations of the Council under this Part of this Act or from any act or default of their contractors or of any person in the employment of the Council or otherwise:

- (8) Each and every of the specified works shall be maintained by and at the expense of the Council—

(i) in accordance with the plans sections and particulars approved by the canal company or settled by arbitration; and

(ii) in good and substantial repair and to the reasonable satisfaction of the company's engineer; and

(iii) so as not to cause any leakage or loss of water from the canal or to affect in any way the passage of traffic along the canal or the towpath thereof:

PART IV.
—cont.

- (9) The company's engineer shall be entitled to inspect the specified works and the Council shall pay to the company the reasonable costs of such inspection:
- (10) If in consequence of the construction use alteration repair or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or otherwise in consequence of the exercise by the Council of any of the powers of this Part of this Act any damage or injury to the canal or towpath thereof or other property of the canal company or any leakage or loss of water from the canal or any of the feeders or any interruption to or interference with the conduct of traffic on the canal or towpath thereof or to or from any other property of the canal company (except such interruption or interference as cannot be reasonably avoided by the Council in carrying out the powers of this Part of this Act) shall at any time be occasioned or arise the Council shall—

(a) forthwith at their own expense and to the reasonable satisfaction of the canal company's engineer execute all such works and do all such things as may be necessary to restore the canal or towpath or other property of the canal company and the water in the canal or any of the feeders to the same state and condition as before the happening of such injury or leakage or loss of water or remove the cause of such interruption or interference (as the case may require) and take all such steps as may be necessary to prevent the recurrence of such damage injury leakage loss interruption or interference under the superintendence (if the same be given) and to the reasonable satisfaction of the canal company's engineer; and

(b) pay to the canal company—

(i) the sum of sixpence for every one thousand gallons of water which shall have so leaked or been lost from the canal or any of the feeders; and

(ii) as liquidated damages the sum of one hundred pounds for the first twenty-four hours or part thereof and the sum of two hundred pounds for every subsequent twenty-four hours or part thereof during which any interruption to or interference with the conduct of

traffic on the canal or towpath (except as aforesaid) shall continue but nothing in this paragraph shall prevent the canal company or any other person from recovering from the Council beyond the amount of such liquidated damages any special damages that may be sustained by them or relieve the Council from the provisions of subsection (11) hereof.

If the Council at any time fail to comply with the provisions of paragraph (a) of this subsection and also in emergency the canal company may after giving not less than fourteen days' previous notice in writing to the Council or forthwith if the circumstances so require execute and do themselves all such works and things as may be necessary as aforesaid and the Council shall pay to the canal company the costs and expenses reasonably incurred by the canal company in so doing:

- (11) The Council shall indemnify and hold harmless the canal company from all claims demands costs expenses and damages which may be made on or against them or which they may incur or have to pay in consequence of the construction use alteration repair or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Council their contractors agents workmen or servants:
- (12) The fact that any work or thing has been executed or done in accordance with a plan approved or not objected to by the canal company or with any requirement of the canal company or their engineer or under the supervision or to the satisfaction of the canal company's engineer or in accordance with any directions or award of an arbitrator shall not relieve the Council from any liability for damage caused to the canal company or affect any claim by the canal company for injury caused to the canal or the towpath or any of the feeders or other land or property of the canal company or for interference with the traffic on the canal or the towpath thereof:
- (13) Nothing in this Part of this Act shall authorise the Council or any local authority to discharge or allow to drain or be carried into the canal or any of the feeders any mud or other solid matter or any liquid matter:
- (14) Any difference which may arise between the Council and the canal company or their engineer under any

PART IV.
—cont.

of the provisions of this section (other than a difference to which the Lands Clauses Acts apply) shall be referred to arbitration.

For protection
of Osterley
estate.

131. For the protection of Glyn Mills & Company the trustees of the will of the late George Henry Robert eighth Earl of Jersey and their sequels in estate as the owners of the lands numbered on the 1931 plans 24 25 and 26 in the borough of Southall and 3 4 5 6 7 and 9 in the borough of Heston and Isleworth forming part of the estate in the said boroughs known as the Osterley estate (all of whom are in this section included in the expression "the owners") the following provision shall unless otherwise agreed in writing between the Council and the owners have effect:—

The Council in the execution of any works for or in relation to the repair or maintenance of any part of the sewer (Work No. 2) authorised by the Act of 1931 and any works connected therewith as shall be in or under any of the said lands shall first carefully remove all turf or vegetable soil on the site of the said part of the said sewer and works or the part thereof to be repaired or maintained as the case may be and on the completion of any such works of repair or maintenance or any other works in relation to the said sewer the Council shall replace the turf and fill in and restore the surface of the ground as soon as may be to its former level and state.

For protection
of
Derek Henry
Parker Bowles.

132. Notwithstanding anything in this Part of this Act or shown on the 1938 plans and sections the following provisions for the protection of Derek Henry Parker Bowles tenant for life and estate owner of the Forty Hall estate or other the owner or owners for the time being of the said estate as defined in this section or any part or parts thereof (all of whom are hereinafter in this section referred to as "the owners") shall except so far as may be otherwise agreed in writing between the Council and the owners apply and have effect:—

(1) In this section—

"the signed plan" means the plan which has been signed in duplicate by David Mowat Watson on behalf of the Council and by John Ashburnham Rosevear on behalf of the owners one copy of which is retained by the Council and the other by the owners;

"the estate" means the Forty Hall estate being the lands shown upon the signed plan and thereon edged with a green verge line;

“ the sewer ” means so much of Work No. 8 authorised by this Part of this Act as shall be constructed or laid under the estate and includes all works in connection therewith or subsidiary thereto :

- (2) The Council shall not acquire under this Part of this Act any part of the estate or any interest of the owners therein except that the Council may acquire easements and rights in the estate under section 48 (Acquisition of easements) of this Act :
- (3) So far as may be reasonably practicable the sewer shall be constructed wholly underground and as near to the Cuffley Brook as may be reasonably practicable. Before the surface of any agricultural land under which the sewer shall be constructed is broken or otherwise disturbed the Council shall first carefully remove all turf and vegetable soil and on completion of the sewer or any repairs or other maintenance thereof shall to the reasonable satisfaction of the owners fill in all trenches and excavations and as far as may be reasonably practicable evenly spread the soil and replace the turf and restore the land occupied thereby or injured in consequence thereof as nearly as may be reasonably practicable to its former level or state :
- (4) No permanent building or erection in connection with the sewer shall be constructed by the Council upon any part of the estate except such manholes as may reasonably be required :
- (5) Notwithstanding anything contained in section 63 (Power temporarily to stop up or interfere with streets &c.) of this Act the Council shall before temporarily stopping up or interfering with any road or footpath upon the estate (including the bridges carrying any such roads or footpaths over the Cuffley Brook) provide a sufficient substitute therefor to the reasonable satisfaction of the owners :
- (6) Before commencing to construct the sewer the Council shall submit to the owners for their reasonable approval plans sections and particulars of the sewer. The works to which the said plans sections and particulars relate shall conform to the provisions of this section and shall be designed so as to cause as little interference with the amenities of the estate as may be reasonably practicable consistently with the construction and maintenance of the sewer. If within one month after the receipt of such plans sections and particulars the owners intimate in writing to the

PART IV.
—cont.

Council any objection thereto or make any requirement with respect thereto with which the Council are unwilling to comply a difference shall be deemed to have arisen between the Council and the owners which shall be settled by arbitration but if no such objection or requirement shall be intimated or made within the said period of one month the owners shall be deemed to have approved the said plans sections and particulars as submitted to them and the sewer shall be constructed in accordance with the said plans sections and particulars as approved or deemed to be approved by the owners or settled by arbitration:

- (7) Before entering upon any part of the estate for the purpose of constructing the sewer the Council shall give not less than one month's notice in writing to the owners of their intention so to do and the construction of the sewer shall so far as is reasonably practicable be thereupon proceeded with expeditiously until completion:
- (8) The Council shall erect and maintain all such temporary fences and execute all such temporary works as may be reasonably necessary for preventing any injury to cattle or other animals of the owners their lessees or tenants during or in consequence of the construction of the sewer and shall when the sewer is completed remove such temporary fences or other temporary works:

Provided that the Council shall not use barbed wire in any of the temporary fences to be erected by them in pursuance of this subsection:

- (9) All footpaths bridges watercourses pipes water supplies hedges walls fences gates ditches culverts drains and other like matters and things belonging to the owners which may be interfered with or injured or otherwise injuriously affected by the Council during the construction or maintenance of the sewer shall be made good by the Council who shall in such construction and maintenance do as little damage as is reasonably practicable to the estate and to the user and enjoyment thereof:
- (10) No permanent electric lines wires or apparatus shall be laid by the Council through the estate except with the consent of the owners which consent shall not be unreasonably withheld:
- (11) The provisions of the Railways Clauses Consolidation Act 1845 as incorporated with this Act with respect to the formation of roads shall not extend or apply to the

estate without the consent in writing of the owners which consent shall not be unreasonably withheld:

PART IV.
—cont.

- (12) (a) All spoil and material obtained in or in connection with the construction or maintenance of the sewer or any part thereof and not required by the Council in connection with such construction or maintenance shall if the Council desire to deposit the same on or spread the same over any part of the estate be deposited on or spread over such place or places and upon and subject to such terms and conditions and to the payment by the Council of such compensation (if any) as shall be agreed between the Council and the owners or in default of agreement settled by arbitration.
- (b) Except in accordance with the terms of this subsection the Council shall not deposit any such spoil or material on any part of the estate.
- (c) Any soil or material which the Council desire to take from the estate under the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall be taken from such part thereof as the owners may reasonably approve:
- (13) The Council shall both during and at all times after the construction of the sewer take all reasonable means to prevent trespass on the estate by persons in their employment or in the employment of their contractors or sub-contractors and take all practicable steps to prevent sporting guns being in the possession of any such persons while they are on the lands in which the sewer is constructed or dogs being brought by any such persons on to such lands:
- (14) In the construction maintenance and user of the sewer the Council shall not in any way interfere with any of the trees shown upon the signed plan in green and thereon marked with the letters c e f g h k l m n o p q and r and shall do as little damage as reasonably may be to any other trees upon any part of the estate:
- (15) Before commencing any haulage of materials and things for the construction maintenance or renewal of the sewer on or over any roads on or through the estate not repairable by the inhabitants at large the Council shall give notice in writing to the owners and shall during the period of such haulage maintain and repair such roads and forthwith after the completion of such haulage shall restore such roads to as good a condition as that in which they were before the haulage was commenced:

PART IV.
—cont.

- (16) The Council shall not be entitled to exercise in relation to the estate or any part or parts thereof any of the powers conferred by section 67 (Application of Public Health Acts) of this Act for the purpose of making maintaining renewing enlarging or varying the sewer:
- (17) Section 55 (Further powers of entry) of this Act shall in its application to any lands of the owners in respect of the acquisition of easements or rights in which a notice to treat has been served upon the owners by the Council have effect with the substitution of one month for fourteen days:
- (18) Any question (other than a question to which the provisions of the Lands Clauses Acts apply) which may arise between the Council and the owners under this section shall be determined by arbitration the arbitrator unless otherwise agreed being appointed on the application of either party (after notice to the other) by the Minister.

As to
reception of
sewage from
Waltham
Holy Cross.

133. If in consequence of the provisions contained in sections 138 (Saving for Secretary of State for War) and 478 (Crown rights) of this Act or either of them the Council find it impracticable to construct that part of Work No. 7 by this Part of this Act authorised which will be situate between the river Lee navigation and the sewage disposal works of the Waltham Holy Cross Urban District Council (in this section referred to as "the district council") before the twenty-ninth day of July nineteen hundred and fifty-two or such later date as may be agreed between the Council and the district council the powers duties and obligations conferred and imposed upon the Council by this Part of this Act in reference to so much of the said part of Work No. 7 as shall not have been constructed and with reference to the receiving and disposing of the sewage of the district of the district council shall cease and thereupon—

- (a) the district of the district council shall cease to form part of the East Middlesex district;
- (b) the Council shall repay to the district council all sums which shall have been paid by the district council to the Council in pursuance of section 71 (Expenses of execution of Act) of the Act of 1938 and section 93 (Expenses of Part IV) of this Act; and
- (c) the district council shall repay to the Council all sums which shall have been paid by the Council to the district council in pursuance of the Act of 1938 or section 72 (Liability for disused works) of this Act or of an agreement made thereunder.

134.—(1) All sums which shall have been paid by the Council to the Waltham Holy Cross Urban District Council (in this section referred to as "the district council") in pursuance of section 33 (Liability for disused works) of the Act of 1938 and of section 72 (Liability for disused works) of this Act or of any agreement made under either of the said sections shall be carried to a suspense fund (in this section referred to as "the suspense fund") and all sums which shall have been paid by the district council to the Council in pursuance of section 71 (Expenses of execution of Act) of the Act of 1938 and of section 93 (Expenses of Part IV) of this Act shall be charged to the suspense fund if that fund is sufficient for the purpose.

PART IV.
—cont.
Suspense
fund
Waltham
Holy Cross.

(2) An amount equal to any moneys standing to the credit of the suspense fund and not for the time being required for the purposes for which they will ultimately be applicable may be used by the district council for the purpose of any statutory borrowing power possessed by them subject to the conditions specified (in relation to a housing repairs account or a housing equalisation account of a local authority) by subsection (2) of section 133 of the Housing Act 1936 and so far as not so used may be invested temporarily in statutory securities and an amount equal to any income derived from such investment and the interest referred to in paragraph (b) of the said subsection shall be carried to and form part of the general rate fund of the district of the district council.

(3) If by reason of the provision contained in section 133 (As to reception of sewage from Waltham Holy Cross) of this Act as varied by any subsequent Act or Order the district of the district council ceases to form part of the East Middlesex district the moneys in the suspense fund shall be applied in or towards payment to the Council of the amount (if any) by which the sums referred to in paragraph (c) of that section exceed the sums referred to in paragraph (b) of that section.

(4) If the part of Work No. 7 by this Act authorised which is referred to in the last-mentioned section is constructed before the date therein mentioned or any later date which may be substituted therefor the moneys in the suspense fund shall be applied by the district council towards the discharge of any loan debt of the district council or for any purpose for which capital money may be applied or otherwise in such manner as the Minister may approve

135.—(1) In case of injury to or destruction or decay of any works constructed by the Council under the powers of the Act of 1931 or this Part of this Act or any part thereof respectively so far as the same have been constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Council shall lay down such

Provision
against danger
to navigation.

PART IV.
—cont.

buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the port authority and shall apply to the port authority for directions as to the means to be taken.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement
of work
abandoned
or decayed
Part IV.

136.—(1) Where any work constructed by the Council under the powers of the Act of 1931 or this Part of this Act and situate wholly or partially in on over or under the river Thames below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of War Transport or the port authority may by notice in writing either require the Council at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the said Minister or the port authority may think proper.

(2) If during the period of thirty days from the date when the notice is served upon the Council they have failed to comply with such notice the said Minister or the port authority may execute the works required to be done by the notice at the expense of the Council and the amount of such expense shall if the works have been executed by the said Minister be recoverable as a debt due to the Crown or summarily as a civil debt and if the works have been executed by the port authority be recoverable summarily as a civil debt.

Signed maps.

137.—(1) One copy of each of the signed maps referred to in this Part of this Act and in the Second Schedule to this Act has been deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one copy with the clerk at his office.

(2) Copies of or extracts from any of the said maps deposited with the clerk certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of such map so far as it relates to the lands shown thereon.

138.—(1) Except with and subject to the terms of the consent in writing of the Secretary of State for War (hereinafter in this section called “ the Secretary of State ”) nothing in this Part of this Act—

PART IV.
—cont.

Saving for
Secretary of
State for War

(i) authorises the Council to take enter upon use or interfere with any land or water (notwithstanding that any such land or water may be described in the 1938 book of reference or delineated on the 1938 plans and sections) or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by the Secretary of State or vested in or in the occupation of or exercised or exerciseable by any other person body or corporation acting for or on behalf of the Secretary of State; or

(ii) takes away lessens prejudices or alters any right privilege or power vested in or exercised or exerciseable by the Secretary of State.

(2) Any consent for the purpose of this section may be given on such conditions as the Secretary of State may see fit to impose.

PART V.

PROTECTION OF STREAMS.

139.—(1) In this Part of this Act unless there be something in the subject or context repugnant to such construction—

Definitions
in Part V.

“ main river ” shall have the same meaning as in the Land Drainage Act 1930 and the main river shall be as shown upon the map of any catchment area prepared in pursuance of section 5 of the said Act of 1930 and for the time being in force;

“ pollution ” does not include innocuous discolouration of any stream;

“ solid matter ” does not include particles of matter in suspension in water.

(2) (a) Subject to the provisions of this subsection the expression “ stream ” in this Part of this Act shall include any part of any river and of any tributary thereof within the county and any part of any stream brook watercourse canal and canalised river and of any lake channel culvert and water passage in or through or passing by the county.

(b) Provided that the expression “ stream ” shall not include—

(i) the river Thames;

(ii) the main river of the river Thames (above Teddington Lock) catchment area;

PART V.
—cont.

(iii) the New River;

(iv) the main river of the Lee catchment area;

but shall include tributaries of those rivers in the county which do not form part of a main river.

(c) Provided also that in the application of section 142 (For prevention of floods) of this Act the expression "stream" shall not include any tidal part of any tributary within the flow or reflow of the tides of the river Thames.

Power to
dredge &c.

140.—(1) Subject to the provisions of this Part of this Act the Council may for the purpose of maintaining the purity and improving and freeing or keeping free from obstruction the flow of any stream—

(a) alter deepen restrict enlarge widen diminish lengthen shorten straighten and improve the bed and channel of any stream;

(b) shorten any bend and remove any angle in the course of a stream;

(c) reduce or remove any shoals shelves banks or other accumulations in any stream;

(d) remove weirs from and construct and maintain weirs in a stream;

(e) abate or remove all impediments obstructions and annoyances and all nuisances and abuses whatsoever in any stream or on the banks or shores thereof;

(f) enter into agreements with the owners of land adjoining or in or near to any stream for the purchase of land or otherwise to enable them to effect any of the purposes aforesaid.

(2) The Council may enter upon any lands for the purpose of exercising the powers of this section but before entering they shall (except in cases of emergency) give not less than fourteen days' notice to the owner or occupier thereof and if before the expiration of fourteen days after the service of any such notice any such owner or occupier give notice to the Council objecting to the exercise of such powers in reference to the land owned or occupied by him such powers shall not be exercised except with the consent of the Minister of Agriculture and Fisheries.

(3) Where any person sustains any damage by reason of the exercise of any of the powers contained in this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Council and if any dispute shall arise as to the fact of damage or the amount of compensation the matter in dispute shall in default of agreement be determined by and compensation (if any) shall be recovered in a court of summary jurisdiction.

(4) Nothing in or done under this section shall extend to interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the port authority.

141.—(1) The Council may at their own expense at the request in writing of the Hertfordshire County Council exercise in relation to so much of the Dollis Brook as is coloured red on the plan hereinafter referred to the powers contained in section 140 (Power to dredge &c.) of this Act in accordance with the provisions contained in the said section notwithstanding that the right bank of the said part of the said brook is within the county of Hertford.

Power to
dredge
cleanse &c.
Dollis Brook.

(2) The plan hereinbefore referred to was signed in duplicate by John William Wilson the chairman of the committee of the House of Commons to whom the Bill for the Act of 1906 was referred and one copy thereof has been deposited in the Parliament Office of the House of Lords and one copy in the Committee and Private Bill Office of the House of Commons.

6 Edw. 7.
c. clxxiv.

(3) Save as in this section provided this Part of this Act shall not apply within the county of Hertford.

142.—(1) For the purpose of preventing floods in the county the Council may—

For prevention
of floods.

(a) by agreement purchase and hold lands forming the bed or banks or situate in the neighbourhood of the banks of any stream;

(b) form invert pitch widen deepen straighten strengthen cover in fence and otherwise improve the waterway bed and banks of any stream;

(c) construct and reconstruct walls embankments culverts fences and other works upon or in the neighbourhood of the banks of any stream.

(2) For the purposes of any work under the provisions of this section the Council may excavate material in the neighbourhood of the banks of any stream and deposit on the banks of such stream materials so excavated or excavated from such stream.

(3) Not less than fourteen days before executing any work under the provisions of this section (except in cases of emergency and except where the Council before such date shall have agreed with the owner of any land affected by such work to execute such work) the Council shall cause to be prepared and deposited at the office of the clerk for inspection by or on behalf of any owner affected by such work a plan section and specification thereof and shall if reasonably practicable give notice of such deposit to every riparian owner on the portion of the stream forming the site of such work but failure to

PART V.
—cont.

comply with the provisions of this subsection shall not unless such failure be wilful prejudice the exercise by the Council of the powers of this section.

(4) For the purposes of this section the Council or their officers servants contractors and workmen with or without vehicles may from time to time upon producing if required authority in writing from the Council for the purpose and after (except in cases of emergency) not less than three days' previous notice to the owner and occupier enter upon the bed and banks of any stream and any lands or premises adjoining the same and any person who shall obstruct the Council their officers servants contractors or workmen in the exercise of the powers of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) Whenever the Council are in their opinion unable to acquire by agreement on reasonable terms any land within the county which they may reasonably require for the purposes of this section they may acquire such land compulsorily by means of a compulsory purchase order made by them and submitted to the Minister and confirmed by him in accordance with the provisions (so far as they are applicable) of section 161 of the Act of 1933 but subject to the restrictions contained in paragraph (c) of section 179 of that Act and the provisions of section 162 of that Act shall have effect with respect to the validity and date of operation of any such order.

(6) Any person who proves that his property is injuriously affected by the exercise of the powers of this section shall be entitled to obtain compensation in respect of such injurious affection from the Council and any question whether compensation is payable under this section or as to the amount of compensation so payable shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

(7) Nothing in subsections (1) (2) or (4) of this section shall deprive any owner except with his consent of any legal rights in the soil or bed of any stream or of using in a manner not inconsistent with the provisions of this section the water of any stream or of any legal remedies if such legal rights or legal remedies were vested in or exerciseable by him or by his predecessors in title on the thirty-first day of July nineteen hundred and thirty-four or give any owner any right as against the public which he did not possess before that date.

(8) The powers conferred on the Council by this section shall not be exerciseable within the Lee catchment area and nothing in this section or in any order made thereunder shall

authorise the compulsory acquisition of any land which is the property of the catchment board.

(9) Nothing in this section shall take away limit or prejudicially affect any right power authority jurisdiction or privilege of the port authority or of the Metropolitan Water Board.

(10) (a) Nothing in this section shall authorise the Council to do any work which whether directly or indirectly interferes or will interfere with or with the use of the works of or any property which is vested in or under the control of any statutory undertakers in such manner as to affect injuriously the said works or property or the carrying on of the undertaking of such undertakers except in so far as such undertakers may consent thereto but such consent shall not be unreasonably withheld.

(b) If any question arises under this subsection whether anything done or proposed to be done interferes or will interfere as aforesaid or whether any consent has been unreasonably withheld that question shall be referred to and determined by the Minister of Agriculture and Fisheries after consultation with the Minister of Health in the case of undertakers for the supply of water or the Minister of Fuel and Power in the case of undertakers for the supply of gas or electricity.

143. The Council may by agreement with riparian owners and others construct at proper places in the portions of the river Brent which are not canalised such weirs with or without bottom paddles or sluices or such other apparatus as may be necessary for maintaining therein a sufficient volume of water for the use of riparian owners or otherwise.

Power to place weirs in river Brent.

144.—(1) Where any obstruction is or may be caused to any stream by any inadequate or insufficient culvert channel or other work the local authority of the district in which such culvert channel or other work is situate may with the approval and to the reasonable satisfaction of the Council reconstruct or remove such culvert channel or work or may construct and maintain a proper and sufficient culvert channel or other work.

For preventing obstruction to streams by culverts &c.

(2) The Council and any such local authority may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction repair maintenance or removal for the purposes of this section.

(3) Nothing in this section contained shall be deemed to restrict the exercise by any local authority of their powers in relation to culverts channels or other works.

PART V.
—cont.

(4) The provisions of this section shall not be put into force in the borough of Tottenham except with the consent in writing of the council of that borough.

Cleansing of
streams.

145.—(1) If any stream or any part thereof is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Council may by notice require the owner or occupier of any lands abutting on any part of such stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such stream is obstructed or impeded to cleanse or put in proper order such stream or part thereof so as to allow the proper flow of water in such stream and in the event of any person to whom any such notice is lawfully given by the Council neglecting to comply with the requirements of such notice within one month from the service on him of such notice the Council may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(2) Any person aggrieved by any requirement contained in any notice given to him by the Council under this section may appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court shall seem just.

Restrictions as
to buildings
&c. over
streams.

146.—(1) No person shall erect construct or place or cause or permit to be erected constructed or placed in or directly over the waterway or bed of any stream any building structure erection bridge arch culvert pipe or other work or thing (in this section referred to collectively as "works" or "work") which will or may have the effect of reducing the waterway or bed of such stream or of interfering with the free passage of water along such stream or reconstruct or alter any work erected constructed or placed in or directly over the waterway or bed of any stream before or after the commencement of this Act in such manner that such reconstruction or alteration will have any such effect except in each case in accordance with plans sections and particulars previously approved by the Council or by an arbitrator.

(2) If the Council shall not within six weeks after the delivery of the plans sections and particulars signify in writing their approval or disapproval of any intended work or of the reconstruction or alteration of any existing work (as the case may be) to the person having delivered such plans sections and particulars with in the case of disapproval their reasons for such disapproval they shall be deemed to have approved the said plans sections and particulars.

(3) The Council may attach to their approval any condition which they may deem proper.

(4) If the Council disapprove of the plans sections and particulars or if any difference shall arise as to the reasonableness of any condition which the Council may attach to their approval the plans sections and particulars or such difference shall be referred to an arbitrator and such arbitrator shall determine such difference and may approve the said plans sections and particulars with or without modifications or disapprove the same as he shall determine.

(5) If any such work or the reconstruction or alteration of any such existing work is commenced or completed without such approval of the Council or of an arbitrator as is required by this section or in any respect otherwise than in conformity therewith or with any condition attached to such approval the person who commenced or completed the same or caused or permitted the same to be commenced or completed shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings for each day after conviction in that behalf on which such works shall continue without such approval or so not in conformity as aforesaid and on conviction of any person under this section the court may make such order with regard to the removal reinstatement or modification of the work as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom the same is directed the Council may (without prejudice to the liability to any such penalties or to any other remedy or proceeding) cause such work to be pulled down and removed or reinstated (as the case may be) and any expense incurred by them in or about the pulling down and removal or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(6) The Council may require any person proposing to erect construct or place any work in or over the waterway or bed of any stream to provide a greater waterway therein or headway thereover than can be required under the foregoing provisions of this section but in that case the Council shall pay any additional expense that may reasonably be incurred in pursuance of this subsection.

147.—(1) If any stream or part of a stream situate on land laid out for building or on which any such land abuts requires in the opinion of the Council to be wholly or partially filled up or covered over the Council may by notice require the owner of the land in which such stream or part thereof is or which abuts on such stream or part thereof to execute such works as may in their opinion be necessary for affecting the objects aforesaid or for substituting for such stream a drain pipe or culvert with all necessary shoots and means of conveying surface water into the same. Covering
of streams.

PART V.
—cont.

(2) All works required by the Council to be done under this section shall be completed to the satisfaction of the county engineer or surveyor before any building operations on such land are proceeded with.

(3) Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Removal of
weeds &c.

148.—(1) All persons cutting or employing others to cut or knowingly suffering persons in their employment to cut weeds grass or other vegetation in any stream shall remove or cause to be removed therefrom such weeds grass or other vegetation immediately after the cutting thereof so as to prevent their remaining and decaying in and contaminating the water of the stream.

(2) A person shall not throw or sweep or employ any other person to throw or sweep or knowingly suffer any person in his employment to throw or sweep any weeds grass or other vegetation into any stream.

(3) Any person offending against any provision of this section shall for every such offence be liable to a penalty not exceeding five pounds.

Prohibition
of throwing
gravel &c.
or allowing
offensive
matter to
flow into
streams.

149. If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things (namely):—

(1) Unloads throws puts or causes or suffers to fall any gravel or any substance which has been used as ballast or any stones earth mud ashes dirt or soil or any substance liable to putrefaction or any offensive or noxious matter into any stream or on the shore thereof:

(2) Knowingly puts any such gravel or other thing as aforesaid in any place where the same is likely to be carried by floods into any stream:

(3) Wilfully causes or suffers any washing or other substance produced in making or supplying gas or any other offensive matter whether solid or fluid to flow or pass into any stream:

(4) Puts and allows to remain for more than forty-eight hours any heap or collection of manure ashes or other offensive matter whether solid or fluid upon any bank of any stream or puts and allows to remain for more than forty-eight hours any such heap or collection near to any stream at any point so that the

same will or may be likely to drain be blown or pass into any stream;

PART V
—cont.

he shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

150. It shall not be lawful for any person other than the Council their agents servants and workmen to dredge or raise any gravel sand ballast or other substance from the bed of any stream so as to interfere with or prejudice the flow of the stream except under and in accordance with a licence granted by the said Council (proof of which licence shall lie on the person accused) and if any person acts in contravention of this enactment he shall for every such offence be liable to a penalty not exceeding twenty pounds without prejudice to any other remedy or proceeding against him.

Prohibition
against
dredging
without
licence.

151. Any person who throws casts or deposits or causes or permits to be thrown cast deposited or to pass into any stream—

Prohibition
of throwing
refuse &c.
into streams.

(a) any trade waste or refuse or effluents from gasworks;
or

(b) any refuse (whether solid or fluid);

or any person who throws casts or deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream so as to impede or obstruct the free passage of water along such stream shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

152.—(1) Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous noxious polluting or offensive liquid or any liquid of a temperature of more than one hundred and ten degrees Fahrenheit from any factory or manufacturing process shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

Prohibiting
pollution from
factories.

(2) Where any such poisonous noxious polluting offensive or heated liquid as aforesaid falls or flows or is carried into any stream along a channel used constructed or in process of construction on or before the fourth day of August nineteen hundred and six or along any new channel constructed in substitution therefor and having its outfall at the same spot for the purpose of conveying such liquid the person causing or knowingly permitting the poisonous noxious polluting offensive or heated liquid so to fall or flow or to be carried shall not be deemed to have committed an offence against this section if he shows to the satisfaction of the court having cognizance of the case that he is using the best practicable

PART V.
—cont.

and reasonably available means to render harmless the poisonous noxious polluting offensive or heated liquid so falling or flowing or carried into the stream.

Prohibition
of new sources
of pollution by
sewage &c.

153. If any person does any of the following things (namely) :—

- (1) Opens into any stream any sewer drain pipe or channel whereby sewage or any other offensive or injurious matter whether solid or fluid shall flow or be likely to flow or pass into such stream:
- (2) Wilfully causes or without lawful excuse (the proof whereof shall lie upon him) suffers any sewage or any such matter aforesaid to flow or pass into any stream through any sewer drain pipe or channel not lawfully used for that purpose on the twelfth day of August eighteen hundred and ninety-eight;

he shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

Discontinuance
of existing
sources of
pollution by
sewage &c.

154.—(1) Whenever any sewage or any other offensive or injurious matter is caused or suffered to flow or pass into any stream then and in every such case even though such sewage or matter aforesaid had been lawfully so caused or suffered to flow or pass before the twelfth day of August eighteen hundred and ninety-eight the Council may give notice to the person causing or suffering the same so to flow or pass requiring him within a time to be specified in such notice but not being less than three months to discontinue such flow or passage.

(2) The Council may in like manner if they think fit at any time extend the time specified in such notice by another notice.

(3) If any person to whom any such notice is given thinks himself aggrieved by reason of the time allowed either by the original or by any subsequent notice not being sufficient he may not later than one month before the expiration of the time or extended time so allowed by writing delivered to the clerk demand an extension of such time and in case the Council refuse to comply with such demand the question of such extension shall be referred to an arbitrator appointed by agreement or failing agreement by the Minister of Agriculture and Fisheries on the application of either party.

(4) Any person to whom any notice is given by the Council under this section shall notwithstanding anything in any other Act within the time allowed by such notice subject to any extension of such time as in this section provided discontinue the flow or passage of the sewage or matter to which

the notice refers and in default of so doing shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

155.—(1) (a) Upon the conviction of any person (other than a local authority) of an offence against the provisions of sections 153 (Prohibition of new sources of pollution by sewage &c.) and 154 (Discontinuance of existing sources of pollution by sewage &c.) of this Act or either of those sections the court may if they think fit make an order for the stopping up of the inlet or outlet of any sewer drain pipe or channel (not being a sewer drain pipe or channel vested in a local authority) in respect of which the conviction was obtained.

Power to stop
up outlets of
sewers &c.

(b) Provided that no such order shall be made unless a statement is contained in the summons upon which the conviction was obtained of the intention to apply for such an order.

(c) In the event of the court making any such order the Council may stop up the inlet or outlet of the sewer drain pipe or channel to which the order relates and for that purpose may enter upon any lands and may do all works that appear to them requisite and the Council may recover from the person so offending all expenses incurred by them in so doing with costs.

(2) Where any person other than the person against whom the conviction has been obtained sustains any damage by reason of the exercise of any of the powers of this section compensation shall be made to such person by the Council and any dispute as to the fact of damage or amount of compensation shall in default of agreement be ascertained by and the amount (if any) may be recovered in a court of summary jurisdiction.

156.—(1) It shall be lawful for any officer of or other person authorised by the Council under the hand of the clerk and producing if required written authority to do so at any time to enter upon and inspect any land factory or other work building or premises and to lay open any land factory or other work building or premises not belonging to a local authority and such officer or person may take and carry away samples of any effluent at the point where it passes into any stream and also at any point from which such effluent flows into any stream through across or under other lands or premises:

Power of entry
on lands &c.

Provided that the Council shall forthwith at their own expense make good and restore to its former condition any land factory or other work building or premises laid open by their authority as aforesaid.

PART V.
—cont.

(2) Such samples shall be taken by such officer or person in triplicate and shall thereupon before they are taken from the premises be respectively sealed up and marked by him and he shall leave one of such triplicate samples with the occupier of the premises whence the effluent flows or other the person responsible for or causing or permitting the passing of the effluent into the stream another shall be submitted by the Council (if they think fit) for analysis and the third shall be retained by the Council for future comparison.

(3) Where any person sustains any damage by reason of the exercise of any of the powers of this section compensation shall be made to such person by the Council and any dispute as to the fact of damage or amount of compensation shall in default of agreement be ascertained by and the amount (if any) may be recovered in a court of summary jurisdiction but no such compensation shall be made to such person if the court shall decide that the exercise by the Council of the powers of this section was caused by such person having committed a breach of the provisions of this Part of this Act.

(4) No human remains buried in consecrated ground shall be removed or disturbed under the powers of this section without a faculty from the bishop of the diocese nor shall any human remains buried in unconsecrated ground be so removed or disturbed without a licence from the Secretary of State.

(5) The provisions of this section shall not authorise the Council or any officer or servant thereof to enter upon or interfere with—

- (a) any railways works buildings or lands belonging to a railway company or the transport board and occupied by them for the purposes of their undertaking;
- (b) any canal feeder reservoir towing-path lands works or buildings belonging to the canal company and used by them solely for the purposes of or in connection with their canal undertaking; or
- (c) any part of the Lee navigation or any land work building or premises belonging to the conservancy board and used by them solely for purposes of or in connection with their undertaking.

Notice to affect
successive
owners.

157. Any notice given under the provisions of this Part of this Act by the Council to the owner or occupier of any land or premises shall continue in force notwithstanding any temporary or partial suspension of the flow or passage of sewage or matter aforesaid from such land or premises and notwithstanding any change in the ownership or occupation of such land or premises and shall affect the owners and occupiers

of such land or premises in succession to the owner or occupier upon whom such notice was served in like manner in every respect and with the same obligations and consequences as though such successive owners or occupiers were the owner or occupier upon whom such notice was served.

PART V.
—cont.

158. The Council shall be deemed to have all such rights (if any) with respect to the flow of water in the river Brent as are possessed by a riparian owner on the said river for the purpose of instituting and maintaining any action or other proceedings against the canal company for the purpose of enforcing such rights.

Council may enforce rights of riparian owners.

159. The Council and the canal company may enter into and carry into effect agreements with reference to the delivery by the company of water into the river Brent and the sale of water for that purpose to the Council.

Agreements with canal company.

160. Any local authority in the county may contribute towards the expenditure incurred by the Council in the execution of this Part of this Act such sums as may be agreed between any such authority and the Council and any such authority may with the sanction of the Minister borrow money for the purposes of this section as if the purposes of this section were a purpose of the Act of 1936.

Power for local authorities to contribute to expenditure.

161.—(1) A court of summary jurisdiction before which any person is summoned under this Part of this Act for any act or default causing or contributing to or alleged to cause or contribute to the pollution or obstruction of any stream may (in lieu of inflicting a penalty or in addition to any penalty it may have inflicted for such offence) by order require such person to abstain from the commission of such offence and where such offence consists in default to perform a duty under this Part of this Act may require him to perform such duty in manner in the said order specified. The court may insert in any order such conditions as to time or mode of action as it may think just and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just and generally may give such directions for carrying into effect any order as to the court seems meet.

Penalties for offences against Part V.

(2) Any person making default in complying with any requirement of an order of the court under this section shall be liable to such a penalty not exceeding fifty pounds a day for every day during which he is in default as the court may order.

162.—(1) The Council shall stand possessed of and subject to the provisions of sections 163 164 and 170 of this Act may exercise all the rights powers and authorities formerly vested

Duke of Northumberland's river.

PART V.
—cont.20 & 21 Geo. 5.
c. clxvi.

in the Most Noble Alan Ian Duke of Northumberland K.G. in respect of the Duke of Northumberland's river which was conveyed to the Council in pursuance of section 6 (Conveyance of river to Council) of the Act of 1930 and the Council shall be subject to the liabilities subject to which the property was conveyed to them by the Right Honourable Edward Frederick Lindley Baron Irwin K.G. and the Right Honourable Eustace Sutherland Campbell Percy (the personal representatives of the said duke).

(2) Section 144 (For preventing obstruction to streams by culverts &c.) Section 145 (Cleansing of streams) section 146 (Restrictions as to buildings &c. over streams) section 147 (Covering of streams) and section 156 (Power of entry on lands &c.) of this Act shall not apply to those parts of the Duke of Northumberland's river or its banks which are situate in the park and ornamental grounds attached to the mansion of Syon House or elsewhere in the parish of Isleworth northwards of the road called Mill Platt or Mill Plat Avenue.

(3) The Council may by agreement with any persons having any rights or interests in the Duke of Northumberland's river or the waters thereof or any rights of using such waters acquire such rights and interests.

For protection
of Queen's or
Longford
River.

163. Nothing contained in this Part of this Act shall authorise the exercise with respect to the Queen's or Longford River of any powers conferred by this Part of this Act without the previous consent in writing of the Minister of Works which may be given upon such terms and conditions as he shall think fit and save as aforesaid nothing in this Part of this Act shall have any application to or shall affect such river or any land or stream vested in or in the occupation or under the management of the said Minister or shall divest take away prejudice diminish or alter any estate right privilege power or authority now or from time to time vested in or enjoyed or exerciseable by or on behalf of the King's Majesty His heirs or successors or the said Minister.

For protection
of Twickenham
Corporation.

164. For the protection of the mayor aldermen and burgesses of the borough of Twickenham (in this section referred to as "the corporation") the following provisions shall apply and have effect unless otherwise agreed in writing between the corporation and the Council:—

(1) The Council shall not exercise in respect of the Duke of Northumberland's river conveyed to them in pursuance of section 6 of the Act of 1930 any of the powers conferred upon them by this Part of this Act so as in any way to diminish the natural flow of the water down the river Crane below the confluence of the Duke of Northumberland's river with the river Crane:

- (2) Nothing contained in this Part of this Act shall prejudice alter or affect any right title or interest of the corporation in the river Crane or prevent the corporation from placing and maintaining for any purposes of the corporation including the provision of bathing facilities any weir or other work in any part of the river Crane belonging to or vested in or adjacent to any lands belonging to or vested in the corporation but any works placed and maintained by the corporation as aforesaid shall not except with the consent of the Council (which shall not be unreasonably withheld) be so placed and maintained as to obstruct the flow of the river Crane and any question which may arise as to whether such consent is unreasonably withheld shall be referred to the Minister for determination.

165. No person shall be deemed to have committed an offence against this Part of this Act for doing or causing to be done any of the following acts:— Saving for certain acts.

- (1) Constructing improving or maintaining in or across any stream any building bridge weir dam sluice or other permanent work with necessary temporary coffer-dams and other works which but for the passing of this Act he would have a legal right to do:
- (2) Pitching or depositing stones or any other suitable or solid materials (not likely to be washed or carried away by the stream or current rising to the line of an ordinary flood) at the side or on the bank of any stream for the express and bona fide purpose of reclaiming land washed away by the action of any stream or of supporting or protecting the side or bank of any stream or of repairing the same or of erecting or repairing any bridge or any building drain sewer or watercourse upon or within the banks of any stream or the slopes or walls thereof at or convenient to the point at which the same shall be so pitched or deposited:
- (3) Putting or permitting to be carried into any stream any sand or gravel or other natural deposit which shall have flowed from or been deposited by the current of any such stream:

Provided that the sand or gravel or other natural deposit so put back or carried as aforesaid does not interfere with the due flow of or pollute the waters of such stream.

166. Nothing in the provisions of this Part of this Act relating to pollution shall prevent the owners lessees or occupiers of watercress beds using any streams channels For protection of watercress.

PART V.
—cont.

springs of water or works in connection therewith for the proper cultivation of watercress by any of the best known methods or from opening any such drains pipes or channels as may be required for the purpose of passing water through any such beds into any tributary.

Saving of
rights of
riparian
owners.

167. Nothing in section 140 (Power to dredge &c.) of this Act shall be construed to deprive any riparian owner of any legal rights in the soil or bed of any stream which he may now possess or of any legal remedies which he may now possess or to give any riparian owner any right as against the public which he did not possess before the commencement of this Act.

Saving for
certain local
authorities.

168.—(1) The Council shall not exercise the powers of section 145 (Cleansing of streams) section 146 (Restrictions as to buildings &c. over streams) or section 147 (Covering of streams) of this Act in the boroughs of Brentford and Chiswick Hornsey Southgate Tottenham and Wood Green without the consents of the councils of those boroughs respectively.

(2) The council of each of the said boroughs shall before passing or approving plans of any building or other work or of any reconstruction or alteration of any building or work on any lands abutting upon a stream or which would be likely to reduce the waterway or to interfere with the free passage of water along any stream give to the Council an opportunity of making representations to such council in respect of such plans and shall take any such representations into consideration and if any difference shall arise between the Council or the council of any of the said boroughs as to any such plans the matter in difference shall be referred to and determined by arbitration and such council shall not pass or approve such plans otherwise than in accordance with the decision of the arbitrator.

Saving as
to pleasure
grounds.

169. The Council shall not in regard to so much of any stream as passes through or by any public walks pleasure ground open space or recreation ground belonging to or under the control of a local authority execute the works referred to in section 140 (Power to dredge &c.) of this Act except with the consent in writing of the local authority which consent shall not be unreasonably withheld and any question which may arise as to whether such consent is unreasonably withheld shall be referred to the Minister for determination.

For protection
of trustee of
George Ralph
FitzRoy Cole's
marriage
settlement.

170. For the protection of Clement Crawley Robinson (trustee of the settlement made on the marriage of George Ralph FitzRoy Cole deceased with Emily Katherine Cole deceased) or other the owner or owners for the time being

of the lands forming the Cole Park estate or any part or parts thereof in the parishes of Twickenham and Isleworth (in this section referred to as "the owner") the following provisions shall apply and have effect unless otherwise agreed in writing between the owner and the Council:—

- (1) The Council shall not exercise in respect of the Duke of Northumberland's river conveyed to them in pursuance of section 6 of the Act of 1930 any of the powers of this Part of this Act so as in any way to diminish the natural flow of the water down the river Crane below the weir at the mereway:
- (2) Nothing contained in this Part of this Act shall prejudice alter or affect any right title or interest of the owner in the river Crane or in the beds banks and waters thereof or in the strips or pieces of land adjoining the same:
- (3) The Council shall not exercise any of the powers of section 140 (Power to dredge &c.) or any of the powers of section 142 (For prevention of floods) of this Act (other than those contained in subsection (5) of the last-mentioned section or any order made in pursuance of that subsection) in regard to the river Crane where it passes through or abuts upon or is adjacent to the lands of the owner except with the owner's consent in writing which consent shall not be unreasonably withheld and any question which may arise as to whether such consent is unreasonably withheld shall be referred to arbitration the arbitrator unless otherwise agreed being appointed by the Minister of Agriculture and Fisheries.

171. Nothing in or done under the sections of this Act hereinafter mentioned shall impose any obligation upon the conservancy board or interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of that board under the Lee Conservancy Acts 1570 to 1938 or under the Rivers Pollution Prevention Acts 1876 and 1893 or otherwise.

The sections hereinbefore referred to are—

Section 145	(Cleaving of streams);	39 & 40 Vict. c. 75.
Section 146	(Restrictions as to buildings &c. over streams);	56 & 57 Vict. c. 31.
Section 147	(Covering of streams);	
Section 150	(Prohibition against dredging without licence).	

172.—(1) The sections of this Act hereinafter mentioned shall not apply to nor shall the powers conferred by those sections be exercisable by the Council or by any other per-

For protection
of canal
company.

PART V.
—cont.

son with respect to any canal or canal feeder reservoir towing-path land work or building belonging to or under the control of the canal company and nothing in this Part of this Act contained shall render the canal company liable to be proceeded against under section 150 (Prohibition against dredging without licence) of this Act with respect to any such canal or canal feeder reservoir towing-path land work or building.

(2) The sections hereinbefore referred to are—

Section 140 (Power to dredge &c.) except in relation to paragraph (e) of subsection (1) thereof;

Section 142 (For prevention of floods);

Section 145 (Cleansing of streams);

Section 146 (Restrictions as to buildings &c. over streams);

Section 147 (Covering of streams); and

Section 156 (Power of entry on lands &c.).

(3) Provided that the canal company shall in discharging flood water from the Brent reservoir into the river Brent comply with such regulations as to the method of such discharge as may be agreed upon between the Council and the canal company or failing agreement shall be settled by an engineer to be nominated by the President of the Institution of Civil Engineers and the canal company and the Council respectively may enter into and carry into effect agreements with respect to the execution by and at the expense of the Council of any works which may be desirable for the purpose of complying with any such regulation.

(4) (a) Nothing in section 142 (For prevention of floods) of this Act shall authorise the Council except with the consent of the canal company to do any work which whether directly or indirectly interferes or will interfere with or with the use of the works of or any property which is vested in or under the control of the canal company in such manner as to affect injuriously the said works or property or the carrying on of the undertaking of that company.

(b) If any question arises under this subsection whether anything done or proposed to be done interferes or will interfere as aforesaid that question shall be referred to arbitration.

For protection
of London
Midland and
Scottish
Railway
Company and
transport
board.
61 & 62 Vict.
c. ccl.

173. Notwithstanding the repeal effected by this Act the London Midland and Scottish Railway Company and the transport board shall have the same protection for their respective transport undertakings in respect of any works which have been carried out under the powers of sections 3 and 4 of the Act of 1898 and section 11 of the Act of 1906 as if the said works had been carried out by the Council under the corresponding provisions of this Part of this Act.

174. The following provisions for the protection of the railway companies shall except in so far as may be otherwise agreed between the Council and a railway company apply and have effect in relation to this Part of this Act:—

PART V.
—cont.

For protection
of railway
companies.

(1) With respect to the exercise of the powers conferred by section 140 (Power to dredge &c.) section 142 (For prevention of floods) section 144 (For preventing obstruction to streams by culverts &c.) of this Act—

(a) In constructing reconstructing or removing any culvert channel or other works (hereinafter referred to as “ the said works ”) so far as the same respectively pass under and adjoin or affect the railways lands or works of a railway company the same shall be done in such lines as shall be approved by the principal engineer of the railway company (hereinafter referred to as “ the said principal engineer ”) and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the railway company and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railways or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Council shall pay to such railway company full compensation in respect thereof;

(b) In constructing the said works where the same will pass under or adjoin the railway of a railway company and all works both temporary and permanent necessary and incident thereto so far as they affect the railway property and works of the railway company the same shall be done in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and approved in writing by the said principal engineer:

Provided always that if the said principal engineer shall for the period of one month neglect to give notice of his objection thereto he shall be deemed to have approved thereof but if the said principal engineer shall refuse to approve such plans sections or specifications or shall disapprove the same and in case of the said principal engineer and the engineer of the Council failing to agree or of any difference arising between them then the

PART V.
—cont.

said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed on or in default of agreement to be appointed at the request of either the Council or such railway company by the President of the Institution of Civil Engineers;

(c) In constructing the said works and all other works necessary or incident thereto or affecting the property or works of any railway company the same shall be executed by and in all things at the expense of the Council and under the superintendence and to the reasonable satisfaction of the said principal engineer;

(d) During the construction of the said works under and adjoining and near to or affecting the railways property and works of a railway company the Council shall bear and on demand pay to the railway company all expenses of employment by them of a sufficient number of inspectors or watchmen to be appointed by the railway company for watching their railway and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Council or their contractors or any person or persons in the employment of the Council or their contractors with reference thereto or otherwise;

(e) If by reason of the said works the railway company shall in carrying out works in connection with their railways be put to any additional cost or expense all such additional cost or expense reasonably incurred shall be repaid to the railway company by the Council;

(f) The Council shall at all times maintain the said works under and adjoining the railways works and lands of a railway company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Council fail so to do after reasonable notice in writing from the said principal engineer the railway company may make and do in and upon as well the lands of the Council as their own lands all such works repairs and things

as they may reasonably think requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to such railway company by the Council;

PART V.
—cont.

(g) Notwithstanding the approval of the said plans sections and specifications by the said principal engineer or anything in this Part of this Act contained the Council shall be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company or to their railways works or property or to the traffic thereon or otherwise by reason of the execution or the failure of the said works or of any act or omission of the Council or of any of the persons in their employ or of their contractors or others and the Council will effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure or of such act or omission;

(h) If any difference shall arise between the respective engineers of the Council and a railway company as to the reasonableness of the plans sections and specifications hereinbefore provided for or any other matter with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Council or such railway company;

(i) The Council and any railway company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed:

- (2) The provisions of section 145 (Cleansing of streams) section 146 (Restrictions as to buildings &c. over streams) and section 147 (Covering of streams) shall not extend or apply to any railways works buildings or land belonging to a railway company and occupied by them for the purposes of their railways.

175. The following provisions for the protection of the transport board shall notwithstanding anything in this Part

For protection
of transport
board
Part V.

PART V.
—cont.

of this Act and unless otherwise agreed in writing between the transport board and the Council apply and have effect:—

(1) (a) The Council shall not commence to execute any work authorised by this Part of this Act which will or may interfere with or endanger any property of the transport board until after fourteen days' previous notice in writing together with plans and drawings of the works intended to be executed shall have been delivered to the general manager for the time being of the transport board for his reasonable approval. If the said general manager does not within fourteen days after the submission to him of such plans and drawings signify to the Council his approval or disapproval thereof he shall be deemed to have approved thereof;

(b) Such work shall not be executed otherwise than in accordance with such plans and drawings as may be approved by the said general manager or if such approval be refused as may be settled by arbitration and shall be carried out to the reasonable satisfaction of the said general manager and under his superintendence if he elect to superintend after receiving reasonable notice of the date when the work is to be commenced;

(c) Such work shall be executed so as not to cause any injury to the said property and if any such injury shall arise the Council shall make compensation to the transport board in respect thereof;

(d) The Council shall bear and on demand pay to the transport board the reasonable expense of the employment by them during the execution or repair of such work of a sufficient number of inspectors or watchmen for watching the property comprised in the transport system of the transport board with reference to and during the execution or repair of the said work and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Council or their contractors with reference thereto or otherwise:

(2) If by reason of the execution of any work by this Part of this Act authorised the transport board shall in carrying out works in connection with their undertaking be put to any additional cost or expense the reasonable amount of such additional cost or expense shall be paid to the transport board by the Council;

- (3) Any dispute or difference which may arise between the transport board and the Council with reference to the provisions of this section or in any wise arising thereout and any plans or drawings to be settled by arbitration under this section shall be settled by an arbitrator.

176. Nothing in this Part of this Act contained shall take away lessen alter or prejudicially affect any of the rights remedies powers authorities privileges exemptions and benefits vested in or granted or reserved to or now enjoyed or lawfully exercised by the Metropolitan Water Board in respect of any of their lands property streams channels cuts watercourses drains canals or reservoirs and bridges and coverings thereover or prevent them from discharging water into any stream as defined by this Part of this Act or ditch into which they are at the commencement of this Act entitled to discharge water but such rights remedies powers authorities privileges exemptions and benefits shall be and remain in full force and effect in the same manner to all intents and purposes as if this Act had not been passed nor shall anything in this Part of this Act authorise the Council to enter upon or interfere with any stream channel cut watercourse canal or reservoir belonging to the said board.

177.—(1) Nothing in this Part of this Act shall authorise the Council to take proceedings under the sections thereof hereinafter mentioned with respect to any stream which flows directly or indirectly into the Thames above Teddington Lock (including the river Colne and the part of the Grand Union Canal north of Cowley Lock or any tributary of any such stream) and nothing in or done under this Part of this Act shall extend to interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the conservators of the river Thames under the Thames Conservancy Act 1932 or otherwise.

(2) The sections referred to in subsection (1) of this section are—

- Section 148 (Removal of weeds &c.);
- Section 149 (Prohibition of throwing gravel &c. or allowing offensive matter to flow into streams);
- Section 152 (Prohibiting pollution from factories);
- Section 153 (Prohibition of new sources of pollution by sewage &c.);
- Section 154 (Discontinuance of existing sources of pollution by sewage &c.);
- Section 155 (Power to stop up outlets of sewers &c.); and
- Section 157 (Notice to affect successive owners).

(3) Section 142 (For prevention of floods) of this Act shall not apply in such parts of the county as may hereafter be

PART V.
—cont.

within the district of any internal drainage board hereafter to be constituted under the Land Drainage Act 1930 and having jurisdiction within the Thames above Teddington Lock catchment area as such area is shown upon the map prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force.

(4) The Council shall not execute any work under the powers conferred by section 142 (For prevention of floods) of this Act within the Thames above Teddington Lock catchment area except with the consent of the Conservators of the river Thames but such consent shall not be unreasonably withheld and any dispute as to whether such consent has been unreasonably withheld shall be determined by the Minister of Agriculture and Fisheries.

(5) Nothing in or done under the last-mentioned section of this Act shall extend to interfere with take away abridge or prejudicially affect any right power authority jurisdiction or privilege of the conservators of the river Thames under the Land Drainage Act 1930 and the Thames Conservancy Act 1932.

Lee and
Thames
Transfer
Orders.

178.—(1) Paragraphs (a) and (b) of Article 3 of the Scheme confirmed by the River Lee Conservancy Catchment Board Transfer Order of 1931 and the schedule to that Order are hereby repealed.

(2) The Thames Catchment Area Transfer Order of 1932 and the River Thames (above Teddington Lock) Catchment Area Transfer Order of 1939 and the schemes thereby confirmed in so far as they relate to the transfer of any rights powers duties obligations and liabilities of the Council under the enactments repealed by this Act to the conservators of the river Thames are hereby repealed.

Act not to
legalise
nuisances
or affect other
remedies.

179. Nothing in this Part of this Act shall be deemed to legalise or permit any nuisance or shall take away or prejudicially affect any remedy or right which any person would or might have had or exercised if this Part of this Act had not been passed as against any person for the time being causing or suffering the flow or passage of any sewage or matter aforesaid.

PART VI.

GREAT WEST ROAD.

Definitions
in Part VI.

180. In this Part of this Act—

“ the Great West Road ” means Work No. 1 authorised by the Act of 1914 as from time to time widened and improved forming part of the London to Bristol road (A4) referred to in the First Schedule to the Trunk Roads Act 1936; and

“ highway authority ” means the Minister of War Transport.

4 & 5 Geo. 5.
c. xcvi.

1 Edw. 8. &
1 Geo. 6, c. 5.

181. Notwithstanding anything in any Act to the contrary it shall not except as by this Part of this Act or as may be by any future Act expressly provided be lawful for any local or other authority company or person to enter upon break up or interfere with the carriageway of the Great West Road for the purpose of executing any work whatsoever therein thereon or thereunder except with the previous consent of the highway authority and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the highway authority may determine:

PART VI.
—cont.
Restriction
on breaking
up Great
West Road.

Provided that—

- (i) in the exercise of their existing statutory powers to lay and maintain cables and cableways for their trolley vehicles the transport board shall not break up the surface of the carriageway of the Great West Road but the transport board shall be entitled to use for these purposes the subway which has been constructed at the intersection of the Great West Road and Boston Manor Road without payment and the highway authority shall at all times maintain the said subway to the reasonable satisfaction of the transport board;
- (ii) the consent of the highway authority to any entry upon breaking up of or interference with the carriageway of the Great West Road for the purpose of the constructing maintaining repairing or renewing by the Council of sewers and works in connection therewith and the placing laying maintaining repairing or renewing by statutory undertakers of mains pipes electric lines or other apparatus therein shall not be unreasonably withheld and that any difference as to whether such consent is unreasonably withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be referred to an arbitrator.

182. The following provisions for the protection of the canal company shall unless otherwise agreed between the highway authority and the canal company apply and have effect:—

For further
protection
of canal
company.

(1) In this section—

“ the canal ” means the Grand Union Canal;
“ the bridge ” means the bridge by which the Great West Road has been constructed over the canal and the towpath thereof under the powers of the Act of 1914 and includes the approaches to the bridge:

PART VI.
—cont.

- (2) In executing any works in connection with the maintenance of the bridge the highway authority shall not obstruct or impede the navigation of the canal or the passage along the towpath thereof or intercept cut off take use diminish or allow to escape any of the waters of the canal or otherwise damage or interfere with the canal or the towpath thereof:
- (3) The bridge and the works connected therewith shall be maintained in good and substantial repair by and at the expense of the highway authority and if the highway authority at any time neglect after three months' notice from the canal company so to maintain the same the canal company may repair the same and recover any expense reasonably and properly incurred by them in that behalf from the highway authority:
- (4) If in the maintenance or repair of the bridge or the works thereof or by reason or in consequence of any defect failure or want of repair thereof any injury to or interference with the canal or the towpath thereof or other work or property of the canal company or any obstruction to the navigation of the canal or the passage of traffic along the towpath thereof or any loss of water from the canal shall be occasioned the highway authority shall forthwith when required in writing so to do by the canal company restore the canal towpath work or property aforesaid to the same state and condition as before the happening of such injury or interference or remove such obstruction or prevent such loss or further loss of water as the case may require under the supervision and to the reasonable satisfaction of the engineer of the canal company If the highway authority default in so doing it shall be lawful for the canal company to do the same and to recover the expenses reasonably and properly incurred by them in that behalf from the highway authority:
- (5) The highway authority shall compensate and indemnify the canal company for and in respect of and against all damage loss costs expenses claims and demands which the canal company may sustain or incur or which may be brought against them by reason or in consequence of any such injury interference obstruction or loss of water as in the immediately preceding paragraph mentioned and the highway authority shall not be relieved of liability under this paragraph by reason of the design method of construction or materials of the

bridge or works connected therewith having been approved by the engineer of the canal company or settled by arbitration under section 31 of the Act of 1914 or this section or of such works having been constructed under the supervision of the said engineer:

- (6) The canal company shall afford to the highway authority all reasonable facilities for using the canal and the towpath and banks thereof for conveying and unloading materials used in connection with or for the purposes of the Great West Road and for obtaining access thereto during the repair thereof but nothing in this paragraph shall be deemed to deprive the canal company of any tolls or charges which they may be authorised to take in respect of the conveyance or unloading of such materials:
- (7) Any difference which may arise between the highway authority and the canal company or their engineer under the foregoing provisions of this section shall be referred to arbitration:
- (8) The highway authority may enter into and carry into effect agreements and arrangements with the canal company with respect to—
- (i) the maintenance of the bridge and works connected therewith and the roadways or footways on the bridge and with respect to any matters incidental to such maintenance; and
 - (ii) the payments to be made by either party to the other party in respect of any such matter.

183.—(1) The provisions of sections 29 30 32 and 33 of the Act of 1914 which in the Eighth Schedule to this Act are excepted from repeal shall have effect in relation to the Great West Road as if the highway authority had been named therein instead of the Council. As to application of certain provisions of Act of 1914.

(2) Nothing in this Act shall affect the liability of the Council under the said section 30 in relation to Works Nos. 2 and 3 authorised by the Act of 1914.

184. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the highway authority have effect: — For protection of Metropolitan Water Board.

The board shall at all times continue to enjoy and to be entitled to exercise in respect of the lands of the board affected by the construction of the Great West Road all such rights as were vested in them on the thirty-first day of July one thousand nine hundred and fourteen:

PART VI.
—cont.

Provided that the board shall not be entitled to open or break up the surface of so much of the said lands as is covered by the decking provided by the Council pursuant to section 34 (For protection of Metropolitan Water Board) of the Act of 1914.

PART VII.

ROADS TOWN PLANNING AND AMENITIES.

As to trunk
roads.

185. The powers conferred upon a highway authority by the undermentioned sections of this Act with respect to county roads may with the consent of the Minister of War Transport be exercised by the authority which for the time being is acting as his agent under any agreement made under subsection (1) of section 5 and subsection (1) of section 6 of the Trunk Roads Act 1936 with respect to any trunk road to which that agency relates—

Section 194 (Prohibition of persons vehicles &c. on grass margins); and

Section 215 (Damage to trees &c. on highways and in open spaces).

North Circular
Road.

186. Notwithstanding the repeal of section 4 of the Act of 1930 whereby the agreement dated the twelfth day of December nineteen hundred and twenty-nine and made between the canal company and the Council set forth in the schedule to that Act was confirmed that agreement shall continue to be binding upon the parties thereto subject to such modifications (if any) as may be agreed between them under their respective common seals and the Council may maintain the works executed in accordance with the provisions of that agreement.

For pro-
tection of
Metropolitan
Electric
Supply
Company
Limited in
respect of
canal bridge.

187. For the protection of the Metropolitan Electric Supply Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council have effect in reference to the works executed in pursuance of the agreement referred to in the last foregoing section:—

(1) The Council shall at their own expense at all times maintain to the reasonable satisfaction of the company the accommodation provided in pursuance of section 5 of the Act of 1930 for the electric cables of the company and the company shall at all times have free and uninterrupted access to that accommodation and be entitled to execute and do all such works and things as may be necessary or convenient for inspecting maintaining repairing renewing or replacing their electric cables as laid or placed in such accommodation:

(2) Any difference under this section between the company and the Council shall be referred to arbitration.

PART VII.
—cont.

188. Where the boundary between the county and any other county or the boundary between any districts in the county divides any road longitudinally the councils or authorities who but for this enactment would be responsible for the maintenance and repair of the portions of the road on each side of the boundary shall in lieu of maintaining and repairing the portion for which they are so responsible maintain and repair respectively such part or parts of the road throughout its entire width as shall be agreed upon or as failing agreement shall in the case of any road wholly within the county be determined by the Council on the application of either party and in any other case be determined by a judge of the High Court on the application of either party upon originating summons issued and made returnable in chambers:

Repair of
boundary
roads.

Provided that nothing in this section shall—

(1) alter or affect the liability of the council of the borough of Southgate to repair the boundary roads between their borough and the borough of Edmonton in accordance with the provisions of section 10 of the Edmonton Local Board (Division of District) Act 1881; or

(2) take away alter qualify or affect the powers rights or privileges of the council of the borough of Willesden under the Willesden Local Board Act 1876.

39 & 40 Vict.
c. lxxvi.

189.—(1) The Council may enter into and carry out agreements with the owner of any land or any other person having any interest in land abutting on any county road in the county other than a claimed road to give up land for the purpose of widening opening enlarging or otherwise improving such road in exchange for any part of such road or the roadside waste thereof which shall adjoin any land belonging to such owner and which shall in the opinion of the Council not be required for public use or for approach to any property adjoining the same or for such other consideration (if any) as may be agreed on between the Council and such owner and such other person (if any).

Exchange for
improvements
of county
roads.

(2) As from the date of any such exchange as aforesaid all public rights over any portion of any such road or roadside waste shall be extinguished.

(3) If under the provisions of this section the public rights over any portion of a road in which any trolley vehicle apparatus is situate are extinguished the Council shall repay to the transport board the expense reasonably incurred by them in moving such apparatus to another part of the road.

PART VII.
—cont.

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

Power to vary width of carriageways and footways.

190. The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by them:

Provided that—

- (a) twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of War Transport;
- (b) no alteration shall be made of the portion of a street upon any bridge carrying the street over any railway or canal or the approaches thereto without the consent of the owners of such bridge.

Carriage crossings at ends of private streets.

191.—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any county road and the use of such street involves passage across or interference with any part of such road the Council may require the person by whom such street has been or is being laid out or constructed to construct across such part of the road a carriage crossing of such materials and in such manner as they may prescribe.

(2) Not less than twenty-eight days before prescribing the manner in which a carriage crossing shall be constructed under subsection (1) of this section the Council shall give notice thereof to any statutory undertakers any of whose mains pipes or apparatus would be situate in or under such carriage crossing and shall if requested by such undertakers require the lowering of any such mains pipes or apparatus to such depth below the surface of the carriage crossing not exceeding four feet measured from the upper side of any such main pipe or apparatus as the undertakers may prescribe and the work of such lowering may be carried out by the undertakers and the cost reasonably incurred by them in so doing shall be repaid to them by the Council who may recover

the same from the person and in the manner from whom and in which expenses are recoverable under subsection (3) of this section.

PART VII.
—cont.

(3) If the Council require the construction of any carriage crossing across any part of a road they may execute such works as may be necessary to secure compliance with such requirement and recover the expenses of so doing from the person by whom such street has been or is being laid out or constructed.

(4) Nothing in this section shall impose on the person by whom such street has been or is being laid out or constructed any obligation to maintain any crossing constructed in pursuance of a requirement under this section.

(5) The powers and obligations of this section in relation to any claimed road may be exercised and shall be performed by the local authority exercising the functions of maintenance and repair of such road and such powers shall not be exercisable by the Council but the Council may if they think fit contribute to the expenses incurred by any local authority in exercising those powers.

(6) The provisions of this section shall not apply in respect of the termination of any street abutting on any road or part of a road to which section 1 or section 2 of the Restriction of Ribbon Development Act 1935 applies if the termination of any such street has been constructed with the consent of the Council and in conformity with any conditions therein contained as provided by section 7 of the said Act. ^{25 & 26 Geo. 5. c. 47.}

(7) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the clerk or surveyor of the local authority made before the passing of this Act certified that such street had before the thirty-first day of July nineteen hundred and thirty-four been completed in accordance with plans and specifications approved and required by the local authority as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at that date been taken over by such authority.

192.—(1) No person shall habitually drive a horse-drawn or mechanically propelled vehicle across any kerbed gravelled or formed path or footway or across any grass verge or similar work on or abutting on a county road unless and until a communication has been made to the carriageway of such road for this purpose in accordance with the provisions of the next succeeding section. ^{Prohibition of vehicles on grass verges &c.}

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

PART VII.
—cont.
Communi-
cations
across grass
verges &c.

193.—(1) No communication shall be made to the carriageway of any county road other than a claimed road across any kerbed gravelled or other formed footway or across any grass verge or similar work so as to afford access to or from any premises fronting adjoining or abutting on such road except upon the following conditions:—

- (a) Every person who intends to provide means of communication shall give notice in writing of his intention to the Council and shall at the same time submit for the approval of the Council a plan and specification showing the position gradient and mode of construction of the intended means of communication which plan and specification the Council may approve or may amend in respect of the position gradient or mode of construction or may disapprove as they think fit;
- (b) The plan and specification shall be deemed to be approved by the Council if within one month after the same have been submitted to them they do not inform such person of their decision;
- (c) If and when the plan and specification with or without amendment have been approved by the Council such person may upon receiving notice of their approval proceed to execute the necessary works but those works shall be executed under the supervision and to the reasonable satisfaction of the Council and in accordance with the plan and specification approved by them;
- (d) After the completion of the works the new means of communication may be used subject to the conditions which in pursuance of any provisions of the law relating to highways attach to the use for the like purpose of any carriageway forming part of a highway repairable by the inhabitants at large.

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

(3) Any person aggrieved by any disapproval or amendment made by the Council of a plan or specification under the foregoing provisions of this section may appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after the notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Council and to the clerk of the peace.

(4) (a) The Council shall within seven days after the receipt of a notice under subsection (1) of this section give to

the statutory undertakers having any mains pipes electric lines or other apparatus in or under the site of the proposed means of communication notice of the proposed means of communication and stating where and during what hours the plan and specification submitted for the approval of the Council with respect to the proposed means of communication may be inspected and shall not give their approval to the said plan and specification before the expiration of fourteen days from the service of such notice on the statutory undertakers.

(b) Any statutory undertakers having any mains pipes or other apparatus in or under the site of the proposed means of communication may within fourteen days of the receipt of a notice under paragraph (a) of this subsection make representations to the Council with respect to the plan and specification so submitted to the Council and of any alteration in the proposed position gradient or mode of construction of the intended means of communication desired by the statutory undertakers and the Council shall consider any such representations which may be so made to them.

(5) Nothing in this section shall impose on any person by whom the new means of communication is provided in accordance with the provisions of this section any obligation to maintain any such means of communication.

(6) The provisions of this section shall not apply to any carriage crossing approved under section 191 (Carriage crossings at ends of private streets) of this Act or to any means of communication to which section 1 or section 2 of the Restriction of Ribbon Development Act 1935 applies if such means has been constructed with the consent of the Council and in conformity with any conditions therein contained as provided by section 7 of the said Act.

(7) Nothing in this section shall apply to any communication forming or intended to form the approach to any station depot garage works or other premises of the transport board used in connection with their transport undertaking.

194.—(1) In so far as the highway authority 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 highway authority 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 twenty shillings.

Prohibition of persons vehicles &c. on grass margins.

PART VII.

—cont.

20 & 21 Geo. 5.
c. 43.

(2) Nothing contained in this section shall affect—

- (a) the duty of a highway authority under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930;
- (b) the rights of any statutory undertakers or the transport board with respect to the placing of apparatus or works in any area which is situate in or forms part of a street; or
- (c) the rights of the Council in respect of sewers and works in connection therewith.

Restrictions
on breaking
up streets.

195.—(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 either absolutely or to the extent of one-third or more of the width of the carriageway thereof the highway authority shall give notice in writing of their intention to execute such work to all statutory undertakers having powers to break up that street then when such work has been executed by the highway authority 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 highway authority which consent shall not be unreasonably withheld and the highway authority 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 statutory undertakers shall be executed and completed:

Provided that as respects any work executed by any statutory 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 highway authority 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 highway authority and any statutory undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any statutory undertakers 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 highway authority 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 pipes or electric lines for the supply of property not previously supplied with gas water or electricity as the case may be.

PART VII.
—cont.

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

(4) This section shall not apply to any street to which section 4 of the London Traffic Act 1924 for the time being applies. 14 & 15 Geo. 5.
c. 34.

196.—(1) The Council shall with respect to county roads (not being claimed roads) and roads constructed by the Council or by some person under agreement with them which when completed are intended to become county roads have the functions of an urban district council or a local authority under the enactments mentioned in this section as amended by any subsequent enactment and those enactments shall apply accordingly. Exercise by
Council of
powers with
respect to
county roads.

(2) The enactments referred to in this section are as follows:—

The Towns Improvement Clauses Act 1847 (as incorporated with the Public Health Act 1875 as amended by the Act of 1936)— 10 & 11 Vict.
c. 34.

- Section 68 (Houses projecting beyond line of street when taken down to be set back);
- Section 69 (Future projections of houses &c. to be removed on notice);
- Section 70 (Commissioners may cause existing projections to be removed on giving notice and making compensation);
- Section 71 (Doors &c. in future not to be made to open outwards except when so allowed in case of public buildings);
- Section 72 (Existing doors &c. opening outwards may be altered);
- Section 73 (Coverings for cellar doors to be made by occupiers);
- Section 74 (Waterspouts to be affixed to houses or buildings);
- Section 75 (Ruinous or dangerous buildings to be taken down or secured by owners &c.);
- Section 76 (Levy of expenses by distress);

PART VII.
—cont.

Section 77 (If owner cannot be found within the limits or distress cannot be made commissioners may take the house or ground);

Section 78 (Commissioners may sell the materials for payment of expenses restoring to the owner the overplus arising from the sale);

Section 79 (Houses to be protected and bars to be erected across streets during repairs);

Section 81 (When building materials are deposited in streets &c. the same shall be lighted at night and fenced);

Section 82 (Penalty for continuing deposits of building materials or excavations for an unreasonable time);

Section 83 (Commissioners to cause dangerous places to be repaired or inclosed):

The Town Police Clauses Act 1847 (as incorporated with the Public Health Act 1875)—

10 & 11 Vict.
c. 89.

Section 28 (Penalty on persons committing any of the offences herein named) so far as it relates to the following offences:—

“ Every person who places or leaves any furniture goods wares or merchandize or any cask tub basket pail or bucket or places or uses any standing place stool bench stall or show-board on any footway or who places any blind shade covering awning or other projection over or along any such footway unless such blind shade covering awning or other projection is eight feet in height at least in every part thereof from the ground:

“ Every person who places hangs up or otherwise exposes to sale any goods wares merchandize matter or thing whatsoever so that the same project into or over any footway or beyond the line of any house shop or building at which the same are so exposed so as to obstruct or incommode the passage of any person over or along such footway ”;

53 & 54 Vict.
c. 59.

The Public Health Acts Amendment Act 1890—

Section 35 (As to repair of cellars under streets):

The Public Health Acts Amendment Act 1907—

PART VII.

—cont.

Section 30 (Dangerous places to be repaired or enclosed); 7 Edw. 7. c. 53

Section 31 (Fencing lands adjoining streets):

The Public Health Act 1925—

15 & 16 Geo. 5.
c. 71.

Section 24 (Projections against or in front of houses or buildings).

(3) The Council shall not in the exercise of the powers of this section perform or discharge any of the functions under the enactments mentioned in this section in any district in which such enactments are for the time being in force except by agreement with the council of such district and during the continuance of such agreement such functions shall cease to be exercisable by the council of such district in relation to the road to which the agreement applies:

Provided that nothing in this subsection shall prevent the Council from exercising any powers conferred on them by any other enactment including an enactment in this Act.

(4) Any agreement made under the provisions of this section may relate to any one or more roads in a district.

(5) The Council shall not perform or discharge any functions under the said sections 68 69 and 70 of the Towns Improvement Clauses Act 1847 with reference to any lands authorised to be used by any statutory undertakers—

(a) for the manufacture or storage of gas; or

(b) for the generation transformation or distribution of electricity; or

(c) as a pumping station filter plant or reservoir for water;

or to any building structure or erection on any such lands unless the consent of the statutory undertakers is obtained by the Council:

Provided that any consent required by this subsection shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of War Transport.

197. In its application within the county the Restriction of Ribbon Development Act 1935 shall have effect as if—

Restriction of
excavations
adjoining
roads.

(i) there were inserted after paragraph (b) of subsection (1) of section 2 (Restriction of building development along frontages of certain roads) the words " or (c) to make a permanent excavation in land within eighty feet from the middle of the road ";

PART VII
—cont.

- (ii) there were inserted in subsection (3) of section 3 (Exemptions for works in progress &c.) after the words "section one" the words "or section two"; and
- (iii) there were inserted in proviso (c) of subsection (1) of section 7 (General provisions as to consent) after the word "building" the words "or to the making of any permanent excavation."

Erection of
hoards on
county roads.

198. Section 34 (Hoards to be set up during progress of building &c.) of the Public Health Acts Amendment Act 1890 shall extend to the whole of the county in reference to the county roads therein and for that purpose the Council shall be deemed to be an urban authority who have adopted that section and shall in reference to county roads (other than claimed roads) be substituted for the urban district council.

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

199.—(1) Before placing or erecting 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 the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the highway authority and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or of the driver of any vehicle in a street of vehicular or pedestrian traffic the highway authority may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit.

If within one month of the receipt of the said notice the highway authority shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person giving notice under subsection (1) of this section who is aggrieved by any decision of the highway authority under this section may appeal to the Minister of War Transport who may make such order as he thinks fit and whose decision shall be final.

(4) 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 highway authority may remove the hoarding wall or fence so

placed or erected and may recover the expense incurred by them in so doing from such person.

PART VII.
—cont.

(5) 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).

(6) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925^{15 & 16 Geo. 5.} or by section 1 or section 2 of the Restriction of Ribbon^{c. 68.} Development Act 1935.

200. The following provisions shall apply to all county roads in the county (other than claimed roads) and shall have effect in addition to and not in substitution for or in derogation of anything contained in any Act byelaw or regulation for the time being in force within the county or any district within the county:—

Frontage line.

- (a) Where any such road is in the opinion of the Council narrow or inconvenient or insufficient for the traffic or without any sufficiently regular line of frontage the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such road. The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on plans to be signed by their surveyor and deposited with the clerk and with the clerk to the local authority and such plans shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice of the deposit of the said plans to every owner lessee and tenant interested whose name and address they can ascertain;
- (b) No new building erection excavation or obstruction shall be made or placed nearer to the centre of the road than the line prescribed under this section or under an enactment repealed by this Act except with the consent in writing of the Council which may be given for such period and upon and subject to such terms and conditions as they may deem expedient;
- (c) The Council may purchase and the owner and all other persons interested shall if required so to do by the Council sell any land lying between any line prescribed by the Council under this section or

PART VII.
—cont.

under an enactment repealed by this Act and the road and the Council shall if required so to do by the owner thereof (not being a person whose interest in the land is that of a lessee for a term of which twenty-one years do not remain unexpired) purchase the land for the time being unbuilt upon lying between such line and the road;

- (d) Until any land purchased under the last preceding subsection is added to the road the occupier of the land from which it is severed and other persons with his permission shall be entitled to reasonable access across the land so purchased to and from the road and shall have the same rights in regard to the laying down and maintenance in such lands of drains gas and water pipes and electric lines as if it were part of the road;
- (e) Whenever in any of the above cases the Council shall prescribe and define the said line to be observed they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council prescribing and defining the said line to be observed.

Building line.

201.—(1) As respects any county road (other than a claimed road) the Council may with the consent of the Minister of War Transport prescribe a building line (in this section called "the building line" an expression which shall include a building line prescribed under an enactment repealed by this Act) in such road or any part thereof and the formalities referred to in the last preceding section with reference to the prescription by the Council of a line of frontage shall apply to the prescription by the Council of a building line.

(2) It shall not be lawful to bring forward any building structure construction or erection or any part thereof or any addition thereto other than boundary walls or fences nor to make any permanent excavation in front of the building line.

(3) The Council may at any time after the building line has been prescribed on giving three months' notice in writing to the owner of any building structure or erection which or any part of which was beyond or in front of the building line at the date when the same was so prescribed require

that such building or erection shall be pulled down set back or altered so that the same shall not project beyond or in front of the building line.

(4) The Council may purchase and the owner and all other persons interested shall if required so to do by the Council sell any land situate between the building line and the road.

(5) Until any land purchased under the last preceding subsection is added to the road the occupier of the land from which it is severed and other persons with his permission shall be entitled to reasonable access across the land so purchased to and from the road and shall have the same rights in regard to the laying down and maintenance in such land of drains gas and water pipes and electric lines as if it were part of the road.

(6) In the event of—

(a) any building structure or erection being pulled down set back or altered in accordance with any requirement of the Council under this section; or

(b) any building or erection being erected to the building line in any road (other than a street or part thereof in which at the time the building line is prescribed there is a regular building line already defined by the character and position of the buildings erected therein and in a position not nearer to the centre line of the street than the building line so prescribed); or

(c) the erection of a building being rendered impracticable on any land owing to the building line;

the Council shall make compensation to the owner lessee and tenant of any such building structure erection or land or to any of them for any loss or damage sustained by such owner lessee or tenant by or in consequence of such building or erection being pulled down set back or altered or in consequence of any building or erection not being allowed to be erected in front of the building line as the case may be.

(7) The Council may when serving notice to treat upon the owner of and other persons interested in any lands required by them for the purpose of making or widening a road specify in such notice the building line in respect of such road upon any land to be retained by such owner or other person and in that case the provisions of this section shall apply with the necessary modifications as if the building line so specified had been prescribed under those provisions but if in the notice to treat the Council so require any compensation which is payable to such owner or other person in consequence of such building line shall be determined by the same tribunal at the same time and subject to the same provisions as the compensation to be paid to him for his interest in the land taken by the Council.

PART VII.
—cont.Application of
Lands Clauses
Acts and
ascertainment
of compensa-
tion.

202.—(1) The Lands Clauses Acts as incorporated with this Act but with the exclusion of section 92 of the Lands Clauses Consolidation Act 1845 shall apply in reference to the taking of land under section 200 (Frontage line) or section 201 (Building line) of this Act and the amount of any compensation or purchase money payable under those sections shall be ascertained under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

(2) Provided that in determining the amount of compensation or purchase money to be paid in respect of the acquisition under the said sections of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of any works shall be fairly estimated and shall be set off against the said compensation or purchase money.

Penalties.

203. Any person who shall contravene any of the provisions of section 200 (Frontage line) or section 201 (Building line) of this Act or shall fail to comply with any requirement made thereunder shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Contribution
by Council.

204. The Council may (if they think fit) contribute towards the cost of any widening effected by a local authority under section 200 (Frontage line) or section 201 (Building line) of this Act as applied to local authorities by section 316 or to the payment of any compensation payable by a local authority thereunder.

For protection
of transport
board—
Part VII.

205. For the protection of the transport board the following provisions shall notwithstanding anything contained in this Part of this Act and unless otherwise agreed in writing between the Council and the transport board apply and have effect:—

(1) Not less than twenty-eight days before the highway authority in the exercise of the powers of section 190 (Power to vary width of carriageways and footways) of this Act add to the carriageway of a street any portion of the footway in or under which any trolley vehicle apparatus is for the time being situate the highway authority shall give to the transport board notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and the transport board may if it is reasonably necessary (and if reasonably so required by the highway authority shall) alter the position of any

such trolley vehicle apparatus in or under such footway by relaying or re-erecting the trolley vehicle apparatus in such position (under either the carriage-way or the footway) and at such depth as may be reasonable:

- (2) The transport board shall give to the highway authority not less than twenty-eight days' notice of their intention to alter the position of any trolley vehicle apparatus under the provisions of subsection (1) of this section and shall at the same time deliver to the highway authority a plan and section of the proposed alteration. If such plan and section are not disapproved by the highway authority within twenty-eight days from the receipt thereof the depth and position of the trolley vehicle apparatus shown thereon shall be deemed to be reasonable:
- (3) The highway authority shall repay to the transport board the reasonable expenses incurred by them of or in connection with the alteration of the position of any trolley vehicle apparatus under subsection (1) of this section and the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such alteration as aforesaid:
- (4) Nothing contained in section 200 (Frontage line) or section 201 (Building line) of this Act shall apply to or affect any property used by the transport board for the purposes of their transport undertaking without the consent of the transport board. Provided that such consent shall not be unreasonably withheld and any question of whether or not such consent has been unreasonably withheld shall be determined by the Minister of War Transport:
- (5) Any difference which may arise between the highway authority and the transport board under this section (other than any question which is to be determined by the Minister of War Transport as hereinbefore provided) shall be referred to arbitration. In settling any such difference the arbitrator shall have regard to any duties or obligations which the transport board may be under in respect of any trolley vehicle apparatus and may if he thinks fit require the highway authority to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with the trolley vehicle services of the transport board.

PART VII.
—cont.For protection
of railway
companies
and others.

206. Nothing contained in section 200 (Frontage line) or section 201 (Building line) of this Act shall apply to or affect any property occupied or used by a railway company for the purposes of their railway or by the canal company the conservancy board the port authority or any statutory undertakers for the purposes of their respective undertakings without the consent of such company board authority or statutory undertakers:

Provided that such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of War Transport.

For protection
of Conservancy
Board.

207. Nothing contained in this Part of this Act shall authorise the Council to prescribe a frontage or building line over that part of the property of the conservancy board which is now situate either on the north side of Ferry Lane at Tottenham Lock in the borough of Tottenham or on the north side of the Lee Valley Road at Ponders End Lock in the urban district of Enfield.

Private street
works.

208.—(1) The Council shall with respect to any road not then being a highway repairable at the public expense which is formed or constructed in pursuance of an agreement with the Council either by the Council or by any person or for the construction of which the Council shall have given to the local authority notice of their intention to be responsible under any scheme to be made under the Act of 1932 and which in either case is intended to be a county road when it becomes a highway repairable at the public expense have the functions of an urban district council under the Private Street Works Act 1892 subject to the provisions of this section.

55 & 56 Vict.
c. 57.

(2) The total cost apportioned in accordance with the provisions of the Private Street Works Act 1892 in respect of such road shall not exceed the amount which would at the date of the first publication of the resolution approving the specifications plans estimates and provisional apportionments in respect of such road under the provisions of the Private Street Works Act 1892 as applied by this section have been the cost of the construction and completion of such road if it had been carried out so as to comply with any enactments byelaws or regulations in operation in the district in which the road is situate and as respects matters for which no provision is made in any such enactments byelaws or regulations so as to comply with such specification as the council of such district would at the date of such publication have required as a condition of declaring the road to be a highway repairable at the public expense The certificate of the surveyor of the council of such district as to what would have been such specification shall be conclusive.

(3) Section 7 of the Private Street Works Act 1892 as applied by this section shall have effect as if after paragraph (f) there were inserted a provision enabling an owner of premises to object to the proposals of the Council on the ground that the sum or proportion to be charged against such premises under the provisional apportionment includes expenses which under this section are to be borne by the Council.

(4) No expenses incurred by the Council in executing any street works under the provisions of the Private Street Works Act 1892 relating to any road to which this section applies and apportioned against the owner of any land which is not at the time of such apportionment in rateable occupation shall be recoverable until any such land shall come into rateable occupation and no interest shall be payable on any money so apportioned in respect of the time during which such expenses are not recoverable under this subsection.

(5) The functions under the Private Street Works Act 1892 or section 150 of the Public Health Act 1875 shall not be exerciseable by the local authority with respect to roads with respect to which the Council exercise the powers of this section.

(6) Where the Council propose to execute any street works under the provisions of the Private Street Works Act 1892 relating to any road to which this section applies they shall give to the local authority of the district in which such road is situate (in this section called "the local authority") not less than three months' notice of their intention so to do and shall include in the street works to be executed any such works of sewerage or lighting as the local authority may before the expiration of the notice request.

(7) The local authority shall repay to the Council any expenses reasonably incurred by them in respect of or properly attributable to the said works of sewerage and lighting so executed at the request of the local authority as aforesaid and the Council shall pay to the local authority any moneys received by them from frontagers or otherwise in respect thereof.

(8) The local authority shall be entitled to become a party to any proceedings for the determination of any matter under this section in respect of works of sewerage or lighting executed under the provisions of the Private Street Works Act 1892 as applied by this section.

(9) Any dispute between the Council and the local authority as to whether any expenses are properly payable under this section or as to the amount payable shall failing agreement be determined by an arbitrator who unless otherwise agreed shall be appointed on the application of either party (after notice to the other) by the Minister.

PART VII.
—cont.

(10) When the Council have completed any works undertaken by them under the Private Street Works Act 1892 as applied by this section in any road to which this section applies such road shall vest in the Council and be maintained by them as a county road but unless otherwise agreed between the Council and the local authority nothing in this subsection shall prevent the local authority from making a claim under the Local Government Act 1929 to exercise the functions of maintenance and repair of the road.

(11) For the purpose of this section the construction of a road shall be deemed to include the widening of an existing road the width of which is less than the width of a street constructed so as to comply with any enactments regulations or byelaws in operation in the district.

(12) The local authority may by agreement with the Council exercise and discharge on their behalf and as their agents the functions of the Council under this section in respect of any road within the district of the local authority.

As to evasion
by owners of
private street
works
expenses.

209.—(1) If—

- (a) any owner of land fronting adjoining or abutting on a street within the meaning of section 150 of the Public Health Act 1875 or of the Private Street Works Act 1892 or of corresponding provisions in any local Act (each of which is in this section referred to as "the said enactments") 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
- (b) any expenses of works executed by the local authority under the said enactments in or in relation to that street are apportioned on such part or portion of that land; and
- (c) the local authority 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 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 said enactments;

then such expenses or so much thereof as has not been recovered by the local authority 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 said enactments 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.

PART VII.
—cont.

(2) As respects any road in reference to which the Council have under the last preceding section the functions of an urban district council this section shall have effect with the substitution of the Council for the local authority.

210. The Council may contribute such sums as they may see fit towards the expenses incurred by any local authority or properly constituted joint committee of any local authorities or any trustees or public bodies in the county in or about acquiring and laying out land as and for any open space or spaces for public use and recreation.

Power for
Council to
contribute to
open spaces.

211.—(1) The Council may acquire—

(a) any land which is situate on either side of and within two hundred and twenty yards from the centre line of any county road in the county or any road which is in course of being or intended to be constructed by the Council if in the opinion of the Council the acquisition of such land is necessary or expedient for the purpose of preserving the amenities of the locality in which the road is or will be situate; and

Acquisition
of land for
amenities.

(b) any land which is situate within one hundred and fifty yards from either bank of any river or stream in the county if in the opinion of the Council the acquisition of such land is necessary for the purpose of preserving the amenities of the locality in which the river or stream is situate;

Provided that the Council shall not exercise the powers of paragraph (a) of this subsection in respect of any claimed road except with the consent of the local authority exercising the functions of maintenance and repair thereof.

(2) Nothing in this section shall—

(a) limit the operation of section 5 of the Metropolitan Commons Act 1866 or section 194 of the Law of Property Act 1925; or

29 & 30 Vict.
c. 122.
15 & 16 Geo. 5.
c. 20.

(b) authorise the Council to acquire otherwise than by agreement land vested in any company body or person authorised by Act of Parliament or Order having the force of an Act to carry on any railway trolley vehicle harbour dock canal inland navigation water gas electricity or other public utility undertaking or land vested in the catchment board.

PART VII.
—cont.
Acquisition of
lands and
rights for
preservation
of view.

212.—(1) The Council may acquire by agreement such lands or such rights in or over lands within or in the immediate neighbourhood of the county as the Council may deem it desirable to acquire in order to prevent or regulate the erection of buildings which may be detrimental to the view from places of public resort within the county or in order to preserve the amenities of any such place of public resort or of any estate belonging to the Council or to the purchase of which the Council have contributed.

(2) For the purposes mentioned in subsection (1) hereof the Council may also enter into and carry into effect agreements with the owners of or any persons interested in any such lands as aforesaid and may exchange any lands or rights in or over lands for the time being belonging to them for other lands or rights in or over lands the possession or control of which the Council may deem more important for the preservation from injury of the view from and the amenities of any such places of public resort or of any estate belonging to the Council or to the purchase of which the Council have contributed.

(3) For the purposes aforesaid the Council may also with respect to any lands within or in the immediate neighbourhood of the county—

- (a) aid any person in asserting (by legal proceedings or otherwise) any rights which may have the effect of preventing building on any such lands; and
- (b) enter into an agreement with any owner of such land that he will impose restrictions on the use of such land and the Council may enforce any agreement against persons deriving title under such owner in like manner and to the like extent as if they were possessed of adjacent land and as if the agreement had been entered into for the benefit of that adjacent land.

Acquisition
of land for
open spaces.

213.—(1) The Council may by agreement acquire land within or without the county (not being a disused burial ground or land laid out as a public garden or used for the purposes of public recreation) for the purpose of providing an open space playing field recreation or pleasure ground or public walk or for the purposes of the Physical Training and Recreation Act 1937 or for the purposes of cricket football or other games or recreations.

(2) The Council may be authorised to purchase compulsorily land for the purposes mentioned in subsection (1) of this section by means of an order submitted to the Minister and confirmed by him in accordance with the provisions (so far as they are applicable) of section 161 of the Act of 1933 but subject to the restrictions contained in paragraph (c) of

section 179 of that Act and the provisions of section 162 of that Act shall have effect with respect to the validity and date of operation of any such order but nothing in this subsection shall authorise the compulsory acquisition of any land which is vested in or has been acquired by the catchment board:

Provided that the powers of this subsection shall not be exercised in respect of any land outside the county except with the consent of the council of the county and of the council of the borough or district in which the land is situate but this proviso shall not apply to any piece of land in one ownership which is partly within and partly without the county and at least one-half of which is within the county.

(3) The Council may subject to the provisions of section 217 (Enforcement of restrictive covenants relating to land acquired for open spaces &c.) of this Act—

(a) alter adapt and lay out any land acquired by them under this section or the corresponding provision repealed by this Act and remove any buildings from such land and otherwise deal with the land so as to make it available for the purposes mentioned in subsection (1) of this section;

(b) exercise with respect to such land all or any of their powers and duties under the Open Spaces Act 1906 6 Edw. 7. c. 25 and all or any of the powers which are conferred on local authorities under the Public Health Acts or which may be conferred by order of the Minister with respect to parks pleasure grounds and recreation grounds;

(c) lease any land so acquired to any local authority or to any person to be used for any of the purposes mentioned in subsection (1) of this section and any such land may be so leased on such terms and conditions as shall be agreed between the Council and the local authority or person to whom the lease is granted;

(d) use for any of their functions or grant a lease of any land so acquired until the same be required for any of the purposes referred to in subsection (1) of this section; and

(e) exchange any land so acquired for other land to be used for any of the purposes referred to in subsection (1) of this section to which the provisions of this section shall accordingly apply.

(4) The Council may exercise with respect to such portion or portions as they think fit of land held by them under the authority of this section the powers of a local authority of

PART VII.
—cont.

utilising lands as a parking place for vehicles granted by section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 and a local authority to whom land is leased under the authority of this section may (with the consent of the Council) exercise the like powers with respect to such portion or portions or land so leased as they think fit.

(5) A local authority may by agreement with the Council defray the whole or any part of any expenses incurred by the Council in the execution of this section.

(6) For preventing doubt it is hereby declared that where a local authority have agreed to make a contribution towards the cost of acquiring land which is to be used for any of the purposes mentioned in subsection (1) of this section a contract or agreement for the granting by the Council (either alone or in conjunction with any other local authority) to the local authority who have agreed to make the contribution (either alone or in conjunction with any other local authority) of a lease of the land shall not be invalid by reason only that the term of the lease to be granted pursuant thereto is limited to take effect or may take effect more than twenty-one years from the date of such contract or agreement any statutory provision or any rule of law to the contrary notwithstanding.

The provisions of this subsection shall have effect whether the contract or agreement was entered into before or after the commencement of this Act.

(7) For the purposes of this section the expression "local authority" includes the council of any county or county borough or metropolitan borough or county district whether within or without the county and a joint committee of two or more of such councils.

(8) Nothing in this section shall limit the operation of section 5 of the Metropolitan Commons Act 1866 or section 194 of the Law of Property Act 1925.

Powers for
private
owners of land.

214.—(1) It shall be lawful for the owner of land (not being a local authority as defined in the last foregoing section) to enter into an agreement with the Council that in the event of such owner or any of his successors in title desiring to sell his estate or interest in such land or any part thereof he or his successor in title (as the case may be) shall first offer such estate or interest to the Council for any of the purposes mentioned in the last preceding section at a price to be determined by or in manner provided by such agreement.

Any agreement entered into under the powers of this section shall be binding upon every owner of the estate or interest affected thereby any rule of law to the contrary notwithstanding.

(2) Where an owner of land is as regards that land—

(a) a tenant for life within the meaning of the Settled Land Act 1925; or

(b) a trustee for sale within the meaning of the Law of Property Act 1925;

the powers conferred by this section shall be in addition to and not in substitution for or in derogation of any other powers possessed by him but (in the case of a tenant for life) shall not be exercised without an order of the High Court or the consent of the persons who are the trustees of the settlement for the purposes of the Settled Land Act 1925 or (in the case of a trustee for sale) the consent of all the beneficiaries under the trust who are of full age and are not under disability.

(3) All money (not being rent) received on the exercise of any power conferred by this section by such an owner as is mentioned in subsection (2) of this section shall be treated as if it were the proceeds of a sale of the land.

(4) The powers of this section shall not be exercised in respect of any land outside the county except with the consent of the council of the county in which the land is situate but this provision shall not apply to any piece of land in one ownership which is partly within and partly without the county and at least one-half of which is within the county.

215.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway or in any open space to which the public have access within the county—

(a) remove or cut any turf; or

(b) pluck any bud blossom flower or leaf of any tree shrub or plant or remove cut or displace any tree shrub or plant if the tree shrub or plant has been planted by the person having control of the highway or open space for the purpose of improving the amenities thereof.

(2) Any person offending against this section shall be liable to a penalty not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

(3) Proceedings in respect of an offence created by this section shall not without the written consent of the Attorney-General be taken by any person other than the party aggrieved or where the offence relates to a highway the highway authority.

PART VII.

—cont.

15 & 16 Geo. 5
c. 18.Damage to
trees &c. on
highways
and in open
spaces.

PART VII.
—cont.

(4) Nothing in this section shall—

- (a) apply to any open space vested in or under the control of the council of a county or borough or urban or rural district a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty;
- (b) affect any right of any persons authorised by any enactment to open or break up any street or road or any land for the purpose of laying making altering repairing or renewing any main pipe sluice weir sewer electric line duct substation transformer station street box drain tramway or trolley vehicle equipment or other apparatus.

Council may
provide bins
for litter.

216.—(1) The Council may provide and place and maintain on any roadside waste open space park or recreation ground belonging to or maintained by them and with the consent of the owner thereof on any other land within the county to which the public have access bins or other receptacles for the reception or deposit of litter and may from time to time empty and cleanse any such bins or receptacles.

(2) Any person who without lawful authority shall remove or otherwise interfere with any such bin or receptacle shall be liable to a penalty not exceeding forty shillings.

Enforcement
of restrictive
covenants
relating to land
acquired for
open spaces &c.

217.—(1) Where the Council have either before or after the commencement of this Act contributed or agreed to contribute towards or in connection with the acquisition or utilisation by the council of any other county or of any borough metropolitan borough or urban or rural district or by any other public body (in this section referred to as an " authority ") or by any person or any trustees of land for the purpose of a public or private open space recreation or pleasure ground public walk sports ground or playing fields or towards the lay out or maintenance of such land and such authority person or trustees have either before or after the commencement of this Act in consideration of such contribution or of an agreement to make such contribution entered into a covenant with the Council restrictive of the user of such land the Council shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against such authority person or trustees and against the persons deriving title under them in the like manner and to the like extent as if the Council were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(2) Where an authority have either before or after the commencement of this Act contributed towards or in connection with the acquisition or utilisation by the Council of land for the purpose of a public or private open space recreation or pleasure ground public walk sports ground or playing fields and the Council have either before or after the commencement of this Act in consideration of such contribution or of an agreement to make such contribution entered into a covenant with such authority restrictive of the user of such land such authority shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against the Council and the persons deriving title under them in the like manner and to the like extent as if such authority were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(3) (a) For the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

15 & 16 Geo. 5.
c. 22.
16 & 17 Geo. 5.
c. 11.

(b) This section shall not apply to a covenant contained in any instrument made before the twenty-ninth day of July nineteen hundred and thirty-eight unless the restrictions enforceable under such covenant were registered as local land charges within twelve months after that date.

(4) (a) Any covenant to which this section applies shall have effect and may be enforced notwithstanding anything contained in the Act of 1932 or any scheme or order made thereunder.

(b) Any covenant to which this section applies shall continue to be enforceable notwithstanding that the land intended to be affected thereby may have passed to an authority acquiring the same by agreement under the Lands Clauses Acts or any Act incorporating those Acts.

(5) Nothing contained in this section shall deprive the Council or any authority person or trustees of any right to enforce a covenant to which this section applies which they or he would have had if this section had not been enacted.

218. The provisions of an agreement dated the twenty-fourth day of February nineteen hundred and thirty-eight and of a supplemental agreement dated the thirtieth day of July nineteen hundred and thirty-eight both made between the Right Honourable Edmund Henry Earl of Strafford of the one part and the Council of the other part and of a conveyance dated the twenty-first day of December nineteen hundred

As to
agreements
with Lord
Strafford.

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—cont.

and thirty-eight between the said Earl of Strafford of the one part and the Council of the other part which agreements and conveyance were entered into in pursuance of section 19 of the Act of 1938 shall have full force and effect and be binding upon the Council and the said Earl of Strafford and his successors in title notwithstanding that they contain provisions which but for this section might not be permissible under the rules of law relating to perpetuity and remoteness.

Agreements with local authorities in relation to planning schemes.

219.—(1) The Council and any local authority within the meaning of the Act of 1932 may subject to the provisions of section 41 (For the protection of statutory undertakers) of the Act of 1932 enter into and carry into effect agreements in relation to any planning scheme and in particular for the inclusion therein of proposals for all or any of the following matters:—

- (a) the reservation of land for any purposes within the powers of the Council under any enactment;
- (b) the reservation of land as a public or private open space or as an agricultural or other form of open belt or as land not to be built upon;

and the Council may contribute such proportion of the expenses of the local authority in connection with any such proposals and any scheme in which such proposals are included as may be agreed:

Provided that nothing in this section shall be construed as applying the provisions of section 41 of the Act of 1932 to anything which the Council do in pursuance of powers exercisable by them otherwise than under this section.

(2) Within two months after the completion of an agreement under this section the Council shall deposit a copy thereof with the Minister of Town and Country Planning.

(3) Nothing in this section shall prejudice any right of the Minister of Town and Country Planning with respect to the approval (with or without modifications) or disapproval of or the rights of any person to object to any planning scheme in relation to which an agreement has been entered into under this section.

(4) An agreement under this section shall not be entered into with the local authority for any area outside the county except with the consent of the council of the county in which such area is situate.

Restrictions on development of certain lands.

220.—(1) Where under an interim development order or a planning scheme an application is made to any local authority within the meaning of the Act of 1932 for permission—

- (a) to develop any land within the county which adjoins or abuts on any county road (not being a claimed road) or forms the site of or will adjoin any road

which the Council are constructing or have given notice to the local authority of their intention to construct or to accept directly or indirectly any responsibility for in any planning scheme;

- (b) to effect any development which will involve the connection of any road with any county road (not being a claimed road) or with any road which the Council are constructing or intending so to construct or to accept such responsibility for as aforesaid; or
- (c) to develop or to use for a purpose for which the consent of the local authority is required any land within the county which the Council have given notice to the local authority is proposed to be reserved as an open space recreation or pleasure ground public walk or playing fields or sports ground;

the local authority shall give to the Council not less than fourteen days' notice before the application is to be taken into consideration and such notice shall be given within seven days from the receipt of the application and shall intimate where the application and the plans accompanying the same may during such fourteen days be inspected by the Council and the local authority in determining such application and the Minister in determining any appeal against the decision shall have regard to any representations made by the Council in regard to all or any of the following matters:—

- (i) That any land shall be conveyed to the Council (or the highway authority) for the purpose of widening a county road or constructing a road intended to become a county road;
- (ii) That any building shall be set back to any such line as the Council may indicate;
- (iii) That any proposed road shall not connect with a county road or with any road being constructed by the Council or which the Council have given such notice as aforesaid of their intention to construct or to accept any such responsibility for in a town planning scheme;
- (iv) That the point at which a road shall connect with a county road or with any such road or proposed road as is mentioned in paragraph (iii) shall be in a specified position;
- (v) That any land shall be reserved as an open space recreation or pleasure ground public walk playing fields or sports grounds:

Provided that paragraphs (c) and (v) of this subsection shall apply only when the application to the local authority is made under an interim development order.

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—cont.

(2) When the local authority inform the applicant of their decision on the application they shall at the same time forward a copy of their decision to the Council and if no decision has been given at the expiration of two months from the receipt of the application the local authority shall forthwith notify the Council thereof.

(3) The Council may contribute towards any payment which the local authority have by agreement with the Council made under the provisions of subsection (4) of section 10 of the Act of 1932 and to any payment which the Minister decides shall be made under subsection (5) of the said section 10.

(4) If effect is given to the representations of the Council they shall indemnify the local authority against any additional compensation which may become payable by such local authority by reason thereof.

(5) Where an appeal to the Minister under subsection (5) of section 10 of the Act of 1932 is dismissed on the ground only that the land to which the appeal relates ought to be reserved by a planning scheme for any one of the purposes set out in paragraph (v) of subsection (1) of this section and a representation has been made by the Council under subsection (1) of this section to that effect subsection (6) of the said section 10 shall apply accordingly and shall have effect as if the Council were therein referred to in lieu of the local authority.

(6) The Council shall at the same time as they make to the local authority any representations under subsection (1) of this section send a copy thereof to the applicant.

(7) The applicant shall be entitled to make representations to the local authority with respect to the imposition of any of the conditions specified in paragraphs (i) (ii) (iii) (iv) or (v) of subsection (1) of this section for which submission shall have been made in the representations of the Council and the local authority in determining such application and the Minister in determining any appeal against the decision shall have regard to such representations of the applicant.

(8) Subject to the provisions of subsection (5) of this section nothing in this section shall prejudice or affect the rights of the applicant or the owner of or any other person interested in any such lands buildings or roads as aforesaid with respect to compensation under the Act of 1932.

(9) Nothing in this section shall require the local authority to give notice to the Council when the application relates to any of the matters referred to in paragraphs (a) and (b) of subsection (1) of this section if the local authority are required to send particulars of the application to the Council under section 8 of the Restriction of Ribbon Development Act 1935.

(10) In this section—

“ the Minister ” means the Minister of Town and Country Planning;

“ local authority ” includes an interim development authority as defined in the Town and Country Planning (Interim Development) Act 1943.

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—cont.

221. Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the district of a local authority shall be extended so as to empower—

Regulation of petroleum filling stations.
18 & 19 Geo. 5.
c. 32.

(a) in the case of an urban district the Council; and

(b) in the case of a borough the council of that borough;

to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

222.—(1) It shall not be lawful for any authority body or person to form a deposit of refuse or continue to add refuse to an existing deposit or otherwise dispose of refuse in any place within the county other than a place within the district (if any) in which the refuse was collected or assembled without the consents first obtained in writing of the Council and of the local authority of the district in which such deposit or disposal shall be intended to be made:

Refuse dumps

Provided that this subsection shall not apply—

(a) to the deposit or disposal of sewage by the Council or any local or other public authority acting under the powers of any enactment; or

(b) to the disposal of manure at or on a farm garden or nursery and intended to be used solely for horticultural agricultural or farming purposes; or

(c) to the deposit or disposal of refuse required solely for industrial purposes; or

(d) to the tipping of spoil and refuse by a railway company or the transport board for the purpose of constructing widening or maintaining any railway works; or

(e) to the deposit of any soil or material obtained or raised by the canal company in executing any dredging operations under their statutory powers or to the tipping of spoil and refuse by the canal company for the purposes of constructing widening or maintaining any work or the towpath or offside bank of any canal or canalised river forming part of their undertaking; or

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—cont.

- (f) to the deposit of any soil or material obtained or raised by the conservancy board in executing any dredging operations under their statutory powers or to the tipping of spoil and refuse by the conservancy board for the purpose of constructing widening or maintaining any work forming part of or connected with the river Lee navigation or any towpath of that navigation; or
- (g) to the deposit appropriation or other disposal by the conservators of the river Thames of any gravel sand shingle clay slate rock or other matter or substance (in this paragraph referred to as "material") raised removed or taken by them from the river Thames or any other watercourse under their statutory powers provided that (except in the case of a deposit of material for constructing or maintaining any work of the said conservators) such material is of such a nature as is not likely to cause a nuisance; or
- (h) to the deposit of any spoil or material (of such a nature as is not likely to cause a nuisance) obtained or raised by the catchment board in cleansing repairing deepening widening straightening or otherwise maintaining or improving under their statutory powers any part of the main river (within the meaning of the Land Drainage Act 1930) of the Lee catchment area or to the tipping of spoil or refuse by the said catchment board for the purpose of constructing widening improving or maintaining under their statutory powers any work forming part of or connected with the said main river; or
- (i) to the addition by the Metropolitan Water Board to a deposit on any land in the county belonging to them and used for that purpose at the passing of the Act of 1934 of refuse produced from any works or operation carried on by the said board for the purposes of or in connection with their undertaking; or
- (j) to the deposit or disposal on land belonging to the Northmet Power Company of ash arising from the generation of electricity by that company; or
- (k) to the deposit or tipping of refuse (of such a nature as is not likely to cause a nuisance) upon land belonging to a local authority within their district for the purpose of raising the level of or otherwise improving such land or without their district for the purpose of raising the level of or otherwise improving any such land which has been acquired for housing purposes or for public walks pleasure grounds open spaces or playing fields.

(2) The Council and the local authority of the district in which such deposit or disposal shall be intended to be formed or added to or made may grant or withhold their consent thereto or may make the granting of their consent subject to such terms and conditions as they think fit and may withdraw any such consent previously given:

Provided that if the Council and the local authority or either of them shall not notify the applicant for any such consent of their decision upon such application within twenty-eight days after the receipt thereof the Council or authority not so notifying shall be deemed to have consented thereto unconditionally.

(3) Any person aggrieved by the refusal of any such application as aforesaid or by the withdrawal of such consent or by any conditions imposed upon him may within twenty-eight days after the date of such refusal or withdrawal or imposition of conditions or such longer period as the Minister may allow appeal to the Minister and the Minister may dismiss or allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose.

The decision of the Minister on an appeal under this subsection shall be final and shall have effect as if it were a decision of the Council and the local authority.

(4) Any person offending against the provisions of subsection (1) of this section or infringing any of the terms or conditions subject to which a consent under that subsection shall have been granted shall be liable to a penalty not exceeding two hundred pounds and in the case of a continuing offence to a daily penalty not exceeding fifty pounds.

(5) A local authority shall not make byelaws with respect to nuisances as respects refuse as defined in this section collected or assembled elsewhere than in the district of such authority.

(6) Nothing in this section shall prevent the making of byelaw relating to the deposit of refuse to which proviso (c) of subsection (1) of this section applies.

(7) In this section "refuse" includes trade refuse house refuse filth rubbish dust and other like matter.

223. For the protection of the councils of the city of Westminster the royal borough of Kensington and the metropolitan boroughs of Hampstead and St. Marylebone (each of whom is in this section referred to as "the borough council") the following provisions shall unless otherwise agreed in writing between the borough council and the Council apply and have effect:—

For protection of certain borough councils.

(1) In this section the expression "exempted clinker" means—

(a) clinker produced at a destructor owned or operated by the borough council alone or jointly

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—cont.

with the council of any other metropolitan borough; and

(b) clinker for the disposal of which the borough council are responsible by statute; which is not admixed with any other form of refuse:

- (2) Nothing in the last preceding section shall prevent or restrict the formation of a deposit of refuse consisting solely of exempted clinker or the addition of exempted clinker to an existing deposit consisting solely of exempted clinker so long as the following conditions are complied with (that is to say):—

(a) Before commencing to form a deposit of exempted clinker the borough council shall give to the Council and to the council of the district in which such deposit is to be formed not less than fourteen days' notice of their intention to deposit exempted clinker upon the land described in the notice;

(b) No exempted clinker shall be deposited so as to raise the surface of the deposit above the general level of the adjoining ground:

Provided that if on the application of the borough council and the council of the district in which a deposit of refuse consisting solely of exempted clinker exists or is intended to be formed consent thereto the following condition shall with reference to that deposit be substituted for the foregoing condition (namely):—

No exempted clinker shall except with the consent of the Council and the council of the said district be deposited so as to raise the surface of the deposit—

(i) in the case of a deposit formed against a rise of land above the top of the rise; or

(ii) in any other case more than thirteen feet above the general level of the adjoining ground:

- (3) If the borough council are aggrieved by a refusal of a consent under the proviso to subsection (2) of this section they may within twenty-eight days after the date of such refusal or within such longer period as the Minister may allow appeal to the Minister who may dismiss the appeal or allow it either unconditionally or subject to such conditions as he thinks fit to impose.

The decision of the Minister on an appeal under this subsection shall be final:

(4) Where on the application of the borough council the consent of the Council and the council of the district concerned has been granted under the last preceding section to the formation of or addition to a deposit of refuse any conditions attached to such consent shall not apply as respects any refuse consisting solely of exempted clinker and in lieu of those conditions the condition set out in the proviso to subsection (2) of this section shall apply as respects such last-mentioned refuse:

(5) Any person failing to comply with any condition mentioned in subsection (2) of this section or with any condition imposed by the Minister under subsection (3) thereof shall be liable in respect of every such failure to a penalty not exceeding two hundred pounds and in the case of a continuing offence to a daily penalty not exceeding fifty pounds:

(6) (a) The Minister on the application of the Council made at any time after the thirty-first day of July nineteen hundred and forty-nine may by order declare that the provisions of this section shall cease to have effect as from such date as may be specified in that behalf in such order and on that date this section shall cease to have effect;

(b) At the same time as the Council make any application to the Minister under this subsection they shall give to each of the borough councils notice thereof and the Minister before deciding as to the making of an order under this subsection shall take into account any representations made to him by any of the borough councils within such period as may be specified by the Minister by notice addressed to each of the borough councils.

224.—(1) The Council may serve a notice on the owner or occupier of any land within the county in respect of any serious injury to the amenities of any public open space within the county which may be caused by the display of advertisements on such land requiring him within a reasonable time not being less than twenty-eight days to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply therewith the Council may cause a complaint relating to the injury to be made to a court of summary jurisdiction and that court may issue a summons requiring the person to appear before them and if satisfied that the alleged injury

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—cont.

exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order.

(3) If any person fails to comply with the requirements of an order made under subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Council themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

7 Edw. 7. c. 27.
15 & 16 Geo. 5.
c. 52.

(5) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925.

(6) The powers of this section may be exercised by the council of any district who are for the time being the local authority for the purposes of the Advertisements Regulation Acts 1907 and 1925 except in relation to any public open spaces maintained by the Council within such district in respect of which open spaces the powers of this section shall be exerciseable by the Council and save as aforesaid such powers shall not be exerciseable by the Council in such district.

(7) Nothing in this section shall apply—

- (a) To advertisements on houses relating to the letting or sale thereof or upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to be held upon or in relation to such land or any property thereon and advertisements on the door or in the window of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding six inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;
- (b) To advertisements on or upon any railway station yard platform or railway approach belonging to a railway company or to the transport board;
- (c) To advertisements on or upon any dock quay pier landing stage wharf lock or toll station belonging to any harbour dock or canal undertakers;
- (d) To advertisements upon land forming the site of any generating station of the Northmet Power Company and relating solely to the undertaking of that company.

225. For the protection of statutory undertakers and of the Council and local authorities in respect of any sewers and works in connection therewith (in this section severally referred to as "the undertakers") the following provisions shall notwithstanding anything contained in Parts VII and VIII of this Act and unless otherwise agreed in writing between the highway authority and the undertakers apply and have effect:—

PART VII.
—cont.

For pro-
tection of
statutory
undertakers
and others.

- (1) In this section "apparatus" means all or any aqueducts conduits mains pipes electric lines sewers valves syphons or other works or apparatus belonging to the undertakers:
- (2) In any case where pursuant to any agreement entered into under the powers of section 189 (Exchange for improvements of county roads) or of section 237 (Exchanges for road improvements &c.) of this Act the highway authority propose to give up to or convey to any owner of land any part of a road or the roadside waste thereof in or under which any apparatus is laid or placed the highway authority shall give to the undertakers notice of their proposal accompanied by a plan showing the position and dimensions of the portion of the road or the roadside waste thereof proposed to be given up or conveyed and notwithstanding any agreement entered into or grant or conveyance executed by the highway authority under the said sections or either of them the undertakers 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 or under which the same is laid or placed had continued to be part of the road or the undertakers may at their option (and if reasonably so required by the highway authority or the owner of the land shall) divert or alter the position of such apparatus to such position in and at such depth below the footway or carriageway of the road as altered under the said powers as may be reasonable:
- (3) Not less than twenty-eight days before the highway authority in the exercise of the powers of section 190 (Power to vary width of carriageways and footways) of this Act add to the carriageway of a street any portion of the footway in or under which any apparatus is for the time being situate the highway authority shall give to the undertakers notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and the undertakers may if it is reasonably necessary and if reasonably so required by the highway authority

PART VII.
—cont.

- shall alter the position of any such apparatus in or under such footway by relaying the apparatus in such position (under either the carriageway or the footway) and at such depth as may be reasonable:
- (4) The undertakers shall give to the highway authority not less than twenty-one days' notice of their intention to alter (otherwise than on the requirement of the highway authority) the position of any apparatus under the provisions of subsection (2) or subsection (3) of this section and shall at the same time deliver to the highway authority a plan and section of the proposed alteration. If such plan and section are not disapproved by the highway authority within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable:
- (5) The highway authority shall repay to the undertakers the reasonable expenses incurred by them of or in connection with the alteration of the position of any apparatus under subsection (2) or subsection (3) of this section and the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such alteration as aforesaid:
- (6) (a) Any difference which may arise between the highway authority and the undertakers 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 duties or obligations which the undertakers may be under in respect of any apparatus and may if he thinks fit require the highway authority 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.

PART VIII.

LOCAL PROVISIONS.

Preliminary.

226. In this Part of this Act unless the subject or context otherwise requires—

“The clerk” means the town clerk of a borough or the clerk of the council of an urban district;

“ The medical officer ” “ the treasurer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the medical officer of health the chief financial officer the surveyor and any sanitary inspector of a district;

PART VIII.
—cont.

“ The general rate fund ” means the general rate fund of a district;

“ Local authority undertaking ” means any undertaking of a local authority as from time to time existing in respect of which the local authority are authorised to form a reserve renewal or repairs fund.

227.—(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 local authority of which date public notice shall be given by the local authority by advertisement in one or more local newspapers published and circulating in the district.

Commence-
ment of
certain
provisions.

Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement:

Provided that if the provision is one which requires the registration of any person or premises the application for 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:—

Section 268 (Parents &c. to notify certain diseases);

Section 269 (Restrictions on attendance at schools and places of assembly);

Section 278 (Notice of slaughter of animal unfit for food); and

Section 279 (Registration of hawkers of meat fish fruit and vegetables and 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 came into operation—

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

PART VIII.
—cont.

(b) had 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 (5) of section 464 (As to appeals) of this Act.

(5) Notwithstanding anything contained in the foregoing provisions the following sections shall come into operation in the areas mentioned at the commencement of this Act (namely):—

- (a) In the boroughs of Acton Ealing Finchley Hendon Heston and Isleworth Hornsey Southall Southgate Tottenham Twickenham Wembley and Willesden and in the urban districts of Feltham Friern Barnet Harrow Hayes and Harlington Staines Sunbury-on-Thames and Yiewsley and West Drayton sections 268 269 278 and 279;
- (b) In the borough of Edmonton sections 278 and 279;
- (c) In the urban district of Enfield sections 268 269 and 278;
- (d) In the borough of Wood Green sections 268 and 279.

Streets buildings sewers and drains.

No building allowed until street defined.

228.—(1) Where plans and sections of a new street have been deposited with and approved by a local authority 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 except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been defined.

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

No building to be erected until street formed.

229.—(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 local authority so to do construct the carriageway of such new street or such part of the

new street as may be required by the local authority in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street:

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

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

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

(4) This section shall not apply to a new street or part of a new street laid out by the Council.

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

As to
termination
of new
streets.

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

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

(3) Nothing contained in this section shall authorise—

(a) any communication between a new street and a highway contrary to the provisions of the Restriction of Ribbon Development Act 1935; or

(b) any communication between a new street and a road repairable by the Council except with the consent of the Council.

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—cont.

Byelaws
as to
alteration
of streets.Rounding of
corners at
street
junctions.Amendment
of section 17
of Public
Health Acts
Amendment
Act 1907.Development
scheme may
be required
in connection
with new
streets.

231. A local authority 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.

232.—(1) In any district in which section 17 of the Public Health Acts Amendment Act 1907 is in operation the powers thereby conferred 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 the local authority (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall for the purposes of safety be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius as may be determined by the local authority.

(2) This section shall not apply to a new street laid out by the Council or to a county road except with the consent of the Council.

233. 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 a district in which that section is in operation be read and have effect as if subsection (2) of the said section were omitted therefrom.

234.—(1) Whenever application shall be made to a local authority to approve the laying out of or notice shall be given to a local authority of intention to lay out a new street the local authority may require the applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished:

Provided that this section shall not apply in the case of an application made or notice given by the Council.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road foot-path or way so as to form a new street.

(3) If after receiving the plans and particulars referred to in subsection (1) of this section the local authority shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the lands nor his successors in title shall carry out the development of such lands in such a manner as to conflict substantially with such plans and particulars as approved.

(4) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

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

235.—(1) On the approval of any plan for a new street or new streets submitted to the local authority under any byelaw or enactment for the time being in force the local authority may require provision for such intersecting streets as may be reasonably required. Provision for intersecting streets.

(2) The expression "intersecting street" in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the local authority under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(4) Nothing in this section shall authorise or require the construction of a street to communicate with a highway contrary to the provisions of the Restriction of Ribbon Development Act 1935.

236. Any local authority who for the time being are not exercising the functions of maintenance and repair of any county road within their district may nevertheless contribute to the expenses of paving or otherwise maintaining and repairing or improving of any of the footpaths on or by the side of any county road within their district such sums as may be agreed between such local authority and the Council. Power of local authorities to contribute to repair of county road footpaths.

237.—(1) A local authority may enter into and carry into effect agreements with the owner of or any other person having any interest in land abutting on any road maintained Exchanges for road improvements &c.

PART VIII.
—cont.

by such authority to give up land for the purpose of widening opening enlarging or otherwise improving such road in exchange for any part of such road or the roadside waste thereof which shall adjoin any land belonging to such owner and which shall in the opinion of the local authority not be required for public use or for approach to any property adjoining the same.

(2) As from the date of any exchange under the foregoing provisions of this section all public rights over any portion of the highway given up shall be extinguished.

(3) For the purposes of this section the local authority shall be deemed to be the owners of the land forming the site of the road and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section and may pay or receive money for equality of exchange.

(4) No agreement shall be entered into under this section until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the district in which the road is situate and during such period of one month any four ratepayers of the district by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and section 464 (As to appeals) of this Act shall apply to any such appeal as if the proposals were a decision of the local authority.

(5) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any part of a road or roadside waste exchanged for land as if the same had continued to be part of the road or roadside waste:

Provided that if the local authority or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 of the Telegraph Act 1878 shall thereupon apply in all respects as though the local authority or the said person (as the case may be) were undertakers within the meaning of the said Act.

(6) 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 local authority in any case in which such consent would have been required if this Act had not been passed.

(7) Nothing in this section shall authorise the local authority to give up or convey any land in on or over which any trolley vehicle apparatus or equipment is laid.

238.—(1) Where the owner or occupier of any premises (not being land used exclusively for agricultural purposes within the meaning of the Restriction of Ribbon Development Act 1935) which fronts or abuts on any street repairable by the inhabitants at large including a claimed road habitually uses or permits to be used any kerbed footway paved footway or grass verge in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motorcycle) in passing to and from such premises the local authority by whom the street is maintained may by notice to such owner or occupier either—

(a) require the construction across such footway or grass verge 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 local authority may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the local authority require the construction of any carriage crossing across the footway or grass verge 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 local authority allow the use of the footway or grass verge 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 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage crossing across a footway or grass verge or of strengthening or adapting any part of any such footway as a carriage crossing shall apply in writing to the highway authority for an estimate of the cost thereof and after having obtained such estimate may deposit with the highway authority the amount thereof. When such deposit shall have been made the highway authority 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 highway authority by or to such person as the case may require.

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—cont.

(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 highway authority under this section.

(6) The provisions of this section shall not apply to any means of communication to which section 1 or section 2 of the Restriction of Ribbon Development Act 1935 applies if the carriage crossing has been constructed with the consent of the highway authority and in conformity with any conditions therein contained as provided by section 7 of the said Act.

Adjustment
of boundaries
of estates.

239.—(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 local authority for approval the local authority may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the local authority and the respective persons interested in such estate or lands be determined on the application of the local authority or any such person by an arbitrator to be appointed by the Minister and the local authority may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid:

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

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

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

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the local authority 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 local authority may think reasonable.

(5) The provisions of this section shall not apply to premises to which any provisions of the Factories Act 1937 apply.

1 Edw. 8. &
1 Geo. 6. c. 67.

(6) The provisions of this section shall not except with the consent in writing of the Metropolitan Water Board apply to any estate or lands belonging to that board and held by them for the purposes of their undertaking.

240.—(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 are a source of danger obstruction or inconvenience to the public the local authority may require the owner of the premises well and sufficiently to fence such forecourt from the street.

Fencing of
forecourts.

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

241.—(1) If the local authority shall by resolution determine that any stall structure or other erection 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 in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make

Provision
as to
forecourts.

PART VIII.
—cont.

such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

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

Signs over
streets.

242.—(1) In this section “sign” means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) If it appears to the local authority that any sign which is placed over any street at the commencement of this Act and to the placing of which the local authority had not given their consent under section 37 of the Act of 1938 is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(3) (a) No person shall without the consent of the local authority place any sign over any street.

(b) The consent of the local authority under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the local authority may think fit.

(4) Any person who—

(a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section; or

(b) places any sign over any street without the consent of the local authority or without complying with any conditions attached to any such consent;

shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the local authority may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

(5) The provisions of this section shall not apply to any sign erected or proposed to be erected by a railway company or the transport board over any private street belonging to such company or board and forming part of any railway station or depot or the approach thereto.

PART VIII.
—cont.

243.—(1) For the purpose of preserving amenities it is hereby enacted that it shall not be lawful to erect in or within fifteen feet of any street any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the local authority and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the local authority may determine.

Restrictions
on advertise-
ment
hoardings.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The consent of the local authority under this section shall not be required for a hoarding or similar structure erected within any railway station or upon any property of a railway or canal company or the transport board for the purposes of such company or board except in so far as such hoarding or similar structure fronts upon a street repairable by the inhabitants at large.

244.—(1) The local authority may by notice in writing require—

Repair of
hoardings
&c.

(a) the owner of any hoarding wall or similar structure used for advertising purposes to maintain the same in good order and condition;

(b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the local authority may carry out such alterations or repairs as may be reasonably necessary and recover from such owner or other person any expense incurred by them in so doing.

(3) The provisions of this section shall not apply to any hoarding wall or similar structure erected upon any property of a railway company or the transport board except in so far as such hoarding wall or similar structure fronts upon a street repairable by the inhabitants at large.

PART VIII.
—cont.

Prohibition
on use of
unsuitable
land for
erection of
dwelling-
houses.

245.—(I) A local authority may by order prohibit or restrict—

- (a) the erection of buildings intended or adapted for use as dwelling-houses on any land within their district which in their opinion is liable to flooding; or
- (b) the erection of dwelling-houses on land which in their opinion would by reason of the nature of the subsoil involve danger or injury to health.

(2) Before any order made under this section shall come into force the local authority shall submit the order to the Minister for his approval and shall give notice of the proposals of the order by advertisement in a local newspaper circulating in their district and in the London Gazette and in such other manner (if any) as the Minister may direct.

The said notice shall name a place where copies of the order can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the order may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the clerk to the local authority.

(3) The Minister shall consider any order submitted to him by the local authority and any representations thereon which may be duly made and may approve the order submitted to him with or without modifications or may disapprove the order.

(4) Before approving any such order the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held.

(5) The local authority shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed order by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The order shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(7) The local authority shall give notice of the provisions of any order approved by the Minister under this section by advertisement in a local newspaper circulating in their district and otherwise in such manner as may be prescribed by the Minister.

(8) Any person who commits any breach of any order which has come into force under this section shall be liable to

a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. PART VIII.
—cont.

246.—(1) Where by reason of any improvement made by a local authority any land shall become land which adjoins or abuts on any street the following provisions shall apply:—

Elevation of buildings erected on front lands to require approval.

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

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

(ii) any wall or fence by the side of that street; he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the local authority;

(b) If the local authority within one month after particulars of position and elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the local authority shall be deemed to have approved of the position and elevations.

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

(3) The local authority shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of any wall or fence under the provisions of this section.

(4) Any person aggrieved by a decision of the local authority under this section may appeal—

(a) in places where a standing tribunal of appeal has been constituted under a scheme made in pursuance of the Act of 1932 or of any Act repealed by that Act or by the Town Planning Act 1925 to that tribunal; and

(b) in all other cases to the Minister of Town and Country Planning.

Where the appeal lies to a standing tribunal of appeal under paragraph (a) of this subsection the procedure relating to appeals to that tribunal shall apply to an appeal under this section.

(5) This section shall not apply to any street which for the time being is subject to restrictions under the Restriction of Ribbon Development Act 1935.

(6) Nothing contained in this section shall extend or apply to any building (not being a house) railway wharf or work constructed by or belonging to or which may hereafter be

PART VIII.
—cont.

constructed by or belong to any railway or canal company the transport board or the conservancy board in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company or board with the authority of Parliament so long as any such building railway wharf work or land is used or held by the company or board primarily for railway or canal purposes or the purposes of their navigation.

As to
erection of
retaining
walls.

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

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

(3) Any person aggrieved by a decision of the local authority under this section may within twenty-one days from the date on which notice of the decision was given to him give notice to the local authority that he desires to appeal to an arbitrator and in that case the question involved in the decision shall be determined by arbitration the arbitrator unless otherwise agreed being appointed on the application of either party (after notice to the other) by the Minister.

(4) Where the street referred to in subsection (1) of this section is a county road not being a claimed road the local authority before giving their approval under this section shall confer with the Council.

(5) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway or canal company the transport board the conservancy board or the Metropolitan Water Board under any Act of Parliament for the purposes of their undertaking or the catchment board for the purposes of any of their functions or to any retaining wall erected on any such land.

(6) Nothing in this section shall authorise the erection of a retaining wall contrary to the provisions of any scheme made under the Act of 1932 or the Town Planning Act 1925 or any enactment repealed by either of those Acts or any byelaw made by the catchment board under section 47 of the Land Drainage Act 1930.

248.—(1) At any time within five weeks after the deposit of the plans of any new building intended or adapted for use as a house (or where such plans have been approved but the erection of the building has not been begun before the commencement of this Act at any time before the erection thereof has been commenced) the local authority may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the local authority 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 local authority to be necessary that the means of communication to be provided under this section shall be in the form of a street the local authority 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) The local authority may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section.

(4) Where notice of a requirement under this section has been given by the local authority to any person such person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the local authority has been complied with or until security has been given to the satisfaction of the local authority that the notice will be complied with.

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

(6) Nothing in this section shall authorise—

(a) any means of communication with a highway contrary to the provisions of the Restriction of Ribbon Development Act 1935; or

(b) any means of communication with a street repairable by the Council except with the consent of the Council.

249.—(1) The local authority 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 Direction signs.

PART VIII.
—cont.

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 local authority 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 local authority 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 forty shillings and the local authority may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1937 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of War Transport in pursuance of the said provisions.

Interference
with fire
alarms &c.

250. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds and the local authority may recover the expenses of replacement and making good from such person.

Window
blinds &c.

251.—(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.

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

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

(4) Nothing in this section shall prejudice or affect the provisions of section 104 of the London Passenger Transport Act 1934 section 89 of the London Passenger Transport Act 1935 and section 65 of the London Passenger Transport Act 1938.

24 & 25 Geo. 5.
c. xcvi.
25 & 26 Geo. 5.
c. cx.
1 & 2 Geo. 6.
c. xcii.

Power to
place fences
near school
entrances &c.

252. For the purpose of preventing danger to pedestrians from traffic the local authority may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools public

baths public parks recreation grounds playing fields alleyways and passageways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 of the Public Health Act 1875 are exercisable by them as respects roads so repairable and the local authority may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

253. A local authority may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants: Power to provide tubs for trees &c.

Provided that this power shall not be exercised—

- (a) as regards a county road except with the consent of the Council; or
- (b) so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

254.—(1) A local authority when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the local authority under this section shall be deemed part of the expenses of carrying out the private street works in any such street: Planting of trees in private streets.

Provided that—

- (a) no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street; and
- (b) for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the local authority shall be deemed to be the undertakers.

(2) As respects any road in reference to which the Council have under section 208 (Private street works) of this Act the functions of an urban district council this section shall have effect with the substitution of the Council for the local authority.

PART VIII.
—cont.As to
hoardings
and similar
structures.

255.—(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—

- (i) beyond any building line prescribed by the highway authority in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the local authority for buildings under subsection (2) of section 140 of the Housing Act 1936; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

51 & 52 Vict.
c. 52.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the local authority 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 local authority may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after such commencement) 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 local authority shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the local authority given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the local authority 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 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.

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway or canal company the transport board or the conservancy board so long as the land is used by such company or board primarily for the purposes of their railway canal or navigation as the case may be.

256. Where in the opinion of the local authority repairs the cost of which will not exceed one hundred pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the local authority may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 (As to urgent repairs to private streets) of the Public Health Acts Amendment Act 1907.

As to urgent repairs of private streets.

257.—(1) Section 61 of the Act of 1936 is hereby extended so as to enable the local authority to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street specified in the byelaws shall furnish the local authority with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression "specifications").

Elevations of new buildings.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the local authority by a byelaw made under the said section 61 as extended by this section the local authority shall within five weeks after the submission to them of the specifications by notice in writing—

(a) approve the specifications; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under section 281 (Appeals under Part VIII) of this Act

PART VIII.
—cont.

shall include the ground that compliance with the local authority's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the local authority and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a scheme under the Act of 1932 or under any enactment repealed by that Act or by the Town Planning Act 1925 coming into operation in the district after the commencement of this Act cease to have effect in the district upon the coming into operation of such provisions.

(6) Section 71 (Exemption of certain buildings from building byelaws) of the Act of 1936 shall apply to this section and any byelaws made thereunder and nothing in this section or in any byelaws made thereunder shall apply to any buildings erected or to be erected by the Council.

(7) In any part of the county in respect of which the Council have become or may become by reason of an agreement made under section 2 (Local authority for purposes of Act) of the Act of 1932 the local authority for the purposes of that Act the Council may exercise to the exclusion of the local authority the powers of this section and this section shall have effect as if such part of the county were a county district and the Council were the local authority thereof.

(8) The Council may by byelaws made under this section as applied by the last preceding subsection repeal any byelaws made under this section by the local authority so far as they relate to any such part of the county as is mentioned in the last preceding subsection but until such last-mentioned byelaws are so repealed they shall continue to have effect and may be enforced by the Council within that part of the county as if they had been made by the Council.

Erection of buildings to greater height than adjoining building.

258.—(1) In case any building is at any time 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 local authority 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.

PART VIII.
—cont.

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

(3) This section shall not apply to any building to which by virtue of section 71 (Exemption of certain buildings from building byelaws) of the Act of 1936 building byelaws made under that Act do not apply and nothing in this section or in any byelaws made thereunder shall apply to any buildings erected or to be erected by the Council.

259. It shall be lawful for a court of summary jurisdiction upon complaint by the local authority 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 in the district of the local authority is a nuisance to any of the inhabitants of the district to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to
order
alteration of
chimneys.

260.—(1) For the purposes of Part II of the Housing Act 1936 any dwelling-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 dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper 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 local authority under the said Part II shall apply in respect of such dwelling-house accordingly.

Further pro-
visions as
to working-
class
houses.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the local authority have served notice under section 9 of the Housing Act 1936 in consequence of his failure to comply with the provisions of this section the county court judge shall taken 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;

PART VIII.
—cont.

- (b) the period for which the dwelling-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 dwelling-house;
- (d) whether the condition of the dwelling-house is or is not due to the wilful default or neglect of the tenant.

Powers on
inspection.

261.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works.

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

Sanitary
conveniences
used in
common.

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

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

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

Improper
construction
or repair of
water-closet
or drain.

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

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge

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

PART VIII.
—cont.

264. Nothing contained in the following sections of this Act (namely):—

Section 228 (No building allowed until street defined);

Section 229 (No building to be erected until street formed);

Section 239 (Adjustment of boundaries of estates);

For pro-
tection of
conservancy
board and
canal
company
under
Part VIII.

shall extend or apply to any building (not being a house) constructed by or belonging to or which may hereafter be constructed by or belong to the conservancy board or the canal company in the exercise of their statutory powers or as regards the said section 239 to any land held or acquired or which may hereafter be held or acquired by such board or company with the authority of Parliament so long as any such building or land is used or held by such board primarily for the purposes of their navigation or by such company primarily for canal purposes.

265. For the further protection of the undertakers (as hereinafter defined) the following provisions shall notwithstanding anything in this Part of this Act contained and unless otherwise agreed in writing between the undertakers and the local authority apply and have effect:—

For further
protection
of certain
undertakers
and Council.

(1) In this section—

“ the undertakers ” means any statutory undertakers (other than the local authority) for the supply of water gas or electricity within the district of the local authority concerned or any part of that district and includes the Council in respect of their sewers and the works connected therewith;

“ apparatus ” means aqueducts conduits mains pipes electric lines sewers valves syphons or other works or apparatus belonging to the undertakers:

(2) Not less than twenty-eight days before the local authority in the exercise of the powers of section 232 (Rounding of corners at street junctions) of this Act add to the carriageway of a street any portion of any street not theretofore forming part of the carriageway thereof in or under which any apparatus is for the time being situate the local authority shall give notice in writing to the undertakers and if in consequence thereof it shall be reasonably necessary to alter the position of such apparatus the undertakers may (and

PART VIII.
—cont.

if so required by the local authority shall) alter the position of any apparatus in or under such portion of street by re-laying the apparatus in such position (under either the carriageway or the footway) and at such depth as may be reasonable and the local authority shall repay to the undertakers the cost reasonably incurred by them in so doing:

- (3) Not less than twenty-eight days before the local authority pursuant to section 238 (Crossings over footways) of this Act—

(a) require the construction of a carriage crossing across any footway or grass verge in or under which any apparatus is for the time being situate; or

(b) 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 local authority shall give notice in writing to the undertakers and if in consequence of the construction of the carriage crossing across such footway or grass verge or the use of such footway for the purpose aforesaid it shall be reasonably necessary to alter the position or depth of the apparatus under the footway ~~or grass verge~~ the undertakers may (and if so required by the local authority shall) alter the apparatus by relaying the same in such position and at such depth as may be reasonable and the local authority shall repay to the undertakers the cost reasonably incurred by them in so doing:

- (4) The local authority shall repay to the undertakers the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such alteration as is referred to in subsections (2) and (3) of this section of the position or depth of any apparatus:

- (5) The undertakers shall give to the local authority not less than twenty-one days' notice of their intention to alter (otherwise than on the requirement of the local authority) the position or depth of any apparatus under the provisions of subsections (2) and (3) of this section and shall at the same time deliver to the local authority a plan and section of the proposed alteration. If such plan and section are not disapproved by the local authority within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable:

(6) (a) Any difference which may arise between the local authority and the undertakers 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 duties or obligations which the undertakers may be under in respect of any apparatus and may if he thinks fit require the local authority 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.

266. For the protection of the transport board the following provisions shall notwithstanding anything contained in this Part of this Act and unless otherwise agreed in writing between the local authority and the transport board apply and have effect:—

(1) Not less than twenty-eight days before the local authority in the exercise of the powers of section 232 (Rounding of corners at street junctions) of this Act add to the carriageway of a street any portion of the footway in or under which any trolley vehicle apparatus is for the time being situate the local authority shall give to the transport board notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and the transport board may if it is reasonably necessary (and if reasonably so required by the local authority shall) alter the position of any such trolley vehicle apparatus in or under such footway by relaying or re-erecting the trolley vehicle apparatus in such position (under either the carriageway or the footway and at such depth as may be reasonable:

(2) The transport board shall give to the local authority not less than twenty-eight days' notice of their intention to alter the position of any trolley vehicle apparatus under the provisions of subsection (1) of this section and shall at the same time deliver to the local authority a plan and section of the proposed alteration. If such plan and section are not disapproved by the local authority within twenty-eight days from the receipt thereof the depth and position of the trolley vehicle apparatus shown thereon shall be deemed to be reasonable:

PART VIII.
—cont.

- (3) The local authority shall repay to the transport board the reasonable expenses incurred by them of or in connection with the alteration of the position of any trolley vehicle apparatus under subsection (1) of this section and the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such alteration as aforesaid:
- (4) Any difference which may arise between the local authority and the transport board under this section shall be referred to arbitration. In settling any such difference the arbitrator shall have regard to any duties or obligations which the transport board may be under in respect of any trolley vehicle apparatus and may if he thinks fit require the local authority to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with the trolley vehicle services of the transport board.

Infectious disease and sanitary matters.

Information
to be
furnished
in case of
notifiable
disease.

267.—(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 forty shillings.

Parents &c.
to notify
certain
diseases.

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

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 as defined by the Act of 1936 and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

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

269.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child—

Restrictions
on attendance
at schools
and places
of assembly.

(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 as defined by the Act of 1936 and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

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

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

PART VIII.

—cont.

Power to
close schools
and exclude
children
from enter-
tainments.

270.—(1) If a local authority or any committee of a local authority 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.

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

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

(4) In this section the expression "day school" means a school (not being a county school) 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 employ-
ment to prevent
spread of
disease.

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

Removal of
infirm and
diseased
persons in
certain
cases.

272.—(1) If the medical officer certifies in writing that any person in the district of a local authority—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered

medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the district or within a convenient distance of the district (in this section referred to as an "institution") and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under this section:

Provided that any such further order may be made if the court is satisfied by the certificate of the medical officer of the institution and such further evidence (if any) that the court may require that the conditions which led to the making of the original order continue or would recur if the person therein referred to were no longer detained.

(2) When an order has been made under this section for the detention and maintenance of a person in an institution the court on the application of the medical officer may make a further order for the transfer of such person to another institution within the district or within a reasonable distance therefrom and for his detention and maintenance in such other institution.

(3) The medical officer shall give to any person proposed to be removed detained or transferred under the provisions of this section or to some person being in charge or formerly in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(4) The cost of the removal or transfer of any person to or from an institution and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the local authority and during any period for which a person is so detained the local authority may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the local authority think fit or as may be directed by the court as the case may be:

Provided that where the institution to which the said person is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the local authority.

PART VIII.
—cont.

(5) An order under this section may be addressed to such officer of the local authority as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(6) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(7) The provisions of section 184 (Recovery of expenses of maintenance in certain institutions) of the Act of 1936 shall apply as if such person were a patient maintained in an institution as defined in that section.

(8) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the local authority so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to an institution without the consent in writing of the authority or body having the control thereof and such consent may be given subject to such conditions as may be agreed.

Entry into
premises in
case of
disease.

273.—(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 registered medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his power 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.

PART VIII.
—cont.

274. Section 6 of the Housing Act 1936 shall operate so as to empower the local authority 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.

Byelaws as
to lodging-
houses.

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

Sanitary
conveniences
for workmen:

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

276.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 and the local authority 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 local authority may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

Discontinu-
ance of
offensive
trade.

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

(3) If the local authority 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 local authority:

PART VIII.
—cont.

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

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

Byelaws as
to stables.

277. A local authority 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 commencement of this Act or not) and for the prevention of insanitary conditions—

- (a) in or about or arising out of any such stable; or
- (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the commencement of this Act.

Food.

Notice of
slaughter
of animal
unfit for
food.

278.—(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 the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcasses or any part thereof.

(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.

(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.

1 Edw. 8. &
1 Geo. 6, c. 70.

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

PART VIII.
—cont.

Registration
of hawkers
of meat fish
fruit and
vegetables
and premises.

(a) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle; and

(b) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from any such vehicle or receptacle;

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

(2) (a) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is so registered as aforesaid.

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

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

(4) (a) The local authority may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the local authority shall serve upon the person applying for

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—cont.

registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the local authority 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 local authority 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 281 (Appeals under Part VIII) 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 local authority appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in their district in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

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

(7) In and for the purposes of this section—

“meat” means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

“meat food product” means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

(8) The provisions of this section shall not apply to cases where food is only sold or offered or exposed for sale in connection with a canteen provided by the Council or a local authority for the benefit of persons in their employment.

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

PART VIII.
—cont.

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

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

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

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

Appeals.

281. Any person aggrieved by any requirement refusal or other decision of a local authority or of any officer thereof under the foregoing provisions of this Part of this Act may appeal to a court of summary jurisdiction.

Appeals under Part VIII.

Hairdressers' and barbers' premises.

282.—(1) A local authority may make byelaws for the purpose of securing the cleanliness of any premises in their district used for the purpose of carrying on the business of a hairdresser or barber and of the instruments towels equipment and materials used in such premises.

Byelaws as to hairdressers' and barbers' premises.

(2) Every person using any such premises shall keep exhibited in a suitable place a copy of the byelaws made by the local authority under this section.

Public buildings parks &c.

283.—(1) The local authority may procure officers appointed by them for securing the observance of the provisions of all enactments relating to parks and pleasure grounds and to open spaces which are enclosed and are

Officers may be sworn in as constables.

PART VIII.
—cont.

vested in or under the control of the local authority and of the byelaws and regulations made thereunder to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

11 & 12 Geo. 5.
c. 31.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

Power to
provide
concert
halls &c.

284.—(1) A local authority may provide concert halls entertainment rooms reading rooms pavilions and band-stands with all necessary and suitable offices refreshment rooms kitchens cloak-rooms lavatories conveniences and appliances.

(2) For the purposes aforesaid a local authority may in the county—

- (a) erect or adapt buildings in any public park or pleasure ground belonging to or controlled by them;
- (b) acquire buildings or acquire land and erect buildings thereon;
- (c) with the consent of the Minister adapt any premises or erect buildings on any land belonging to them but not already appropriated to entertainment purposes;

and may provide erect and maintain shops and offices as part of the buildings so acquired or erected.

(3) A local authority may furnish and equip any premises provided by them under this section.

Power to
provide &c.
entertain-
ments.

285.—(1) A local authority may use or allow to be used or let any premises provided under subsection (1) of the last preceding section for concerts and other entertainments and may themselves provide or arrange for the provision of or contribute towards the expenses of any such concerts or entertainments and may make or allow to be made such charges as they think fit in connection therewith:

Provided that—

- (a) the local authority shall not themselves use any such premises for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of county councils or other local authorities nor shall they grant or let the use of any such buildings for the purposes of a theatre music-hall or cinematograph theatre except on the best terms that can be obtained;

(b) the power of the local authority themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether theatrical costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the local authority shall not provide or arrange for the provision of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music-hall;

(c) the net amount of the expenses incurred by a local authority under this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny and a third in the pound:

Provided that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925.

(2) A local authority may provide and sell or authorise the provision and sale of programmes of any concert or entertainments given in pursuance of this section and may provide and sell or authorise the provision and sale of refreshments at the premises referred to in the last preceding section.

(3) A local authority may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

(4) Nothing in this or in the last preceding section shall be taken to dispense with the consent of the Minister of Education to any appropriation lease or other disposition of any lands of the local authority in any case in which such consent would have been required if this section had not been passed.

(5) Nothing in this or in the last preceding section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the

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—cont.

like kind or a cinematograph exhibition or of any enactment relating to the sale of intoxicating liquor refreshments or tobacco.

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

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

Provided that nothing in this section shall empower the local authority to permit at one and the same time the exclusive use of more than twenty-five per centum 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.

Boating
pools.

287. A local authority may in any park recreation ground or open space belonging to or controlled by them provide and maintain boating pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith and may make such reasonable charges as they may think fit for the admission to and use of any boating pools provided by them.

Saving for
covenants and
conditions
affecting
trusts.

288. No power conferred upon a local authority by section 284 (Power to provide concert halls &c.) section 285 (Power to provide &c. entertainments) section 286 (Charges for and letting of parks &c. for games) or section 287 (Boating pools) of this Act shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the local authority without an order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserved to the donor or any other person the power to vary the trust) without the consent of such donor or other person and no such power shall be exercised in such a manner as to be at variance with any deed or agreement to which the Council are a party except with their consent or with any deed or agreement by which the local authority are bound except with the consent of the parties to such deed or agreement.

Financial provisions.

Power to
borrow by
issue of
bonds.

289.—(1) In addition to any other form of borrowing a local authority may exercise any statutory borrowing power by the issue of bonds (in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) Where the local authority raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

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—cont.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict.
c. 9.
7 Edw. 7. c. 13.
54 & 55 Vict.
c. 39.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

290. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by a local authority for the repayment of any money borrowed (otherwise than by the issue of stock) before the commencement of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the local authority shall make such adjustments of any existing sinking funds as may be proper.

Application
of Act of
1933 to
existing
sinking
funds.

291.—(1) A local authority may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the local authority of such objection the local authority may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register:

Dividend
warrants
by post.

Provided that if such person give notice to the local authority that he desires such orders or warrants to be sent to another person at a given address the local authority may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the local authority by any other of them.

(3) The posting by the local authority of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the local authority be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

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45 & 46 Vict.
c. 61.Closing of
transfer
books.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the local authority shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

292.—(1) A local authority may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter consecutive period next before the date on which any instalment of interest on such authorised securities is payable.

(2) The persons who on the day of such closing are entered in any book or register as holders of any securities of the class of which the book or register is so closed shall as between them and the transferees of those securities be entitled to the interest next payable thereon.

Receipts
in case of
minors.

293. If any money is payable to the holder of an authorised security being a minor the receipt of his legal guardian shall be a sufficient discharge to the local authority.

Use of money
forming
part of
sinking and
other funds.

294. Notwithstanding anything in this or any other Act a local authority may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewal and repairs depreciation contingency insurance capital reserve or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(a) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the local authority shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

(b) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the local authority to be equal as nearly as may be to the

rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used;

- (c) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

295.—(1) A local authority may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the local authority undertakings) to an amount not exceeding the sum of five thousand pounds or such greater sum as the Minister may allow in any one transaction and such fund shall be formed by appropriating in the accounts of the local authority such sums out of the general rate fund as the local authority from time to time deem expedient:

Capital
reserve fund

Provided that—

- (a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;
- (b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to five per centum of the rateable value of the district.
- (2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this or any other Act) be invested in statutory securities.
- (b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general

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—cont.

rate fund and an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal
and repairs
fund.

296.—(1) A local authority may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called “ the renewal and repairs fund ”—

(a) any sum not exceeding an amount equal to twenty per centum of the cost incurred by the local authority (otherwise than for the purposes of a local authority undertaking) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers equipment apparatus and appliances in such year; and

(b) any sum not exceeding two per centum of the cost incurred by the local authority in connection with the provision of buildings (other than buildings forming part of or used for the purposes of a local authority undertaking or buildings in respect of which the local authority are required by the Housing Acts to keep a housing repairs account).

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed the product of a rate of one shilling in the pound.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the things referred to in subsection (1) of this section which are not comprised in the local authority undertakings and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses but this section shall not apply to any appliances works equipment and buildings for the purposes of any of the local authority undertakings or to buildings in respect of which the local authority are required by the Housing Acts to keep a housing repairs account.

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

297. A local authority may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

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—cont.
As to
operation of
section II of
Rating and
Valuation
Act 1925.

298.—(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 council of the district in which such hereditament is situate 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 such council from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of
rates from
certain
owners.

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

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

299. If a justice is satisfied on complaint by any officer of a local authority duly authorised that any person is quitting or about to quit any premises in their district and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the district 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 to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Recovery of
rate &c. from
persons
removing.

Miscellaneous provisions.

300.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary a local authority may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest

Retention
and disposal
of lands.

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—cont.

therein acquired by them under this Act or any general or local Act for the time being in force in their district (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that—

- (a) A local authority shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained;
- (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 a local authority other than lands acquired under any local Act applying to them 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 a local authority or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the lands other than the restrictions imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this section had not been enacted.

Purchase of
lands for
exchange.

301. The powers of a local authority for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by them by agreement of any lands in the county 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 or in connection with the construction or widening of a street.

Powers with
reference
to leases
of lands.

302.—(1) A local authority may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any general or local enactment for the time being

in force and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

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—cont.

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

303. A local authority on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation
of easements
&c.

304.—(1) A local authority 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 by them under the powers of this Act or of an enactment repealed by this Act in the purchase of other lands but as to capital moneys so received and not so applied they shall apply the same either—

Proceeds of
sale of lands.

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

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

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

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—cont.

Dwelling-
houses for
employees.

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

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

Publication
of records.

306. A local authority may publish such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933 or such extracts from them or reference to their contents as they may think to be of public interest.

Extension of
section 2 (3)
of the Public
Health
(Interments)
Act 1879.42 & 43 Vict.
c. 31.

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

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

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

Barriers in
streets.

308.—(1) It shall be lawful for a local authority subject to the approval of the Commissioner of Police of the Metropolis at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected along or across any of the streets of their district and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

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

(3) Provided that the powers of this section shall not be exercised—

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—cont.

- (a) in reference to a county road not being a claimed road except with the consent of the Council; or
- (b) in such a manner as to cause obstruction to or interference with the access to or exit from any station or depot of a railway company or the transport board except with the consent of such company or board.

309.—(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 a district (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the local authority and to the Commissioner of Police of the Metropolis fourteen days at least 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 district without such notice having been previously given or otherwise than in accordance with such notice any person organising or conducting such procession shall be liable to a penalty not exceeding five pounds.

310.—(1) Every person other than the Council 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 local authority a plan and section thereof and shall comply with such conditions as the local authority may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

Restriction
on erection
of temporary
stands &c.

(2) Any person aggrieved by any conditions prescribed by the local authority under subsection (1) of this section may appeal to a court of summary jurisdiction:

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 local authority 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 five pounds and to a daily penalty not exceeding twenty shillings.

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—cont.

(4) The provisions of this section shall not apply to any stand or structure erected by—

(a) the transport board for the accommodation of passengers and servants of that board under the provisions of section 104 (Shelters &c.) of the London Passenger Transport Act 1934 or section 89 (Shelters &c.) of the London Passenger Transport Act 1935; or

(b) a person who is a proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

Ejection of steam and waste gas to annoyance of public.

311.—(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 forty shillings.

(3) The provisions of this section shall not apply to any locomotive used by a railway company or the transport board or to the Council or any statutory undertakers or to any mechanically propelled vessel on the Grand Union Canal or the Lee navigation.

Silencers for internal combustion engines.

312.—(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 local authority 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 local authority if the silencer be found in proper order but otherwise at the expense of the person aforesaid:

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway or canal company the conservancy board the transport board or any statutory undertakers and used by such company board or undertakers 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 in writing from the

local authority to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

PART VIII.
—cont.

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

Provided that no complaint to a justice under section 99 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 dangerous to health.

(4) Nothing contained in this section shall apply to a railway company the transport board or any statutory undertakers or their respective servants exercising statutory powers or to any mechanically propelled vessel on the Grand Union Canal or the Lee navigation.

(5) Nothing in this section shall affect the power of the Council or the council of a borough to make byelaws under section 249 of the Act of 1933.

314.—(1) A local authority may from time to time make byelaws— Byelaws as to pleasure fairs.

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

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

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

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment (that is to say) any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoanut shy hoop-la shooting gallery or swings or anything similar to any of the foregoing:

PART VIII.
—cont.

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

Application
of section 265
of Public
Health Act
1875.

315. Section 265 of the Public Health Act 1875 (which relates to the protection of members and officers of certain authorities) shall apply to the local authorities as if any reference in that section to the said Act of 1875 included a reference to any local enactment.

Application
of certain
provisions
to local
authorities.

316.—(1) The local authorities may exercise the powers contained in the provisions of this Act hereinafter mentioned and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

- (i) “ a local authority ” for “ the Council ”;
- (ii) “ the district of the local authority ” for “ the county ”;
- (iii) “ the general rate fund ” for “ the county fund ”;
and
- (iv) “ a road repairable by the local authority ” (an expression which subject as hereinafter provided shall include a claimed road) for “ a county road ”:

Provided that section 200 (Frontage line) of this Act in its application to a local authority shall have effect as if instead of county roads reference were made to such of the roads mentioned in the First Schedule to the Act of 1925 as are claimed county roads and other roads not being county roads.

(2) The provisions hereinbefore referred to are the following:—

- Section 9 (Power to reinstate owners of property);
- Section 12 (Power to develop lands &c.);
- Section 190 (Power to vary width of carriageways and footways);
- Section 191 (Carriage crossings at ends of private streets);
- Section 200 (Frontage line);
- Section 201 (Building line);
- Section 202 (Application of Lands Clauses Acts and ascertainment of compensation);
- Section 203 (Penalties);
- Section 408 (Gratuities).

For further
protection
of conservancy
board.

317. Nothing contained in this Part of this Act shall authorise a local authority to prescribe a building line over that part of the property of the conservancy board which is now situate either on the north side of Ferry Lane at Tottenham

Lock in the borough of Tottenham or on the north side of the Lee Valley Road at Ponders End Lock in the urban district of Enfield.

PART VIII.
—cont.

318. Nothing contained in this Part of this Act—

General
saving.

(a) shall prejudice or affect the operation of or derogate from any of the provisions of the Act of 1932 or of the Town and Country Planning (Interim Development) Act 1943 or any scheme or order for the time being in force under the Act of 1932 or under any enactment repealed by that Act or by the Town Planning Act 1925;

(b) shall authorise the use laying out or development of any lands or the erection or maintenance of any buildings or the construction of any streets roads or ways in contravention of any provision of any Act (including this Act) or Order which—

(i) prescribes or enables a county council local highway or other authority to prescribe a building or frontage line to be observed in any street or road;

(ii) prohibits or controls the erection of buildings or the making of any excavations within a specified distance of any street or road; or

(iii) restricts or controls the use of lands or the construction formation or laying out of any means of access to lands; or

(c) shall entitle a local authority to commit a breach of any covenant which is enforceable under the provisions of section 217 (Enforcement of restrictive covenants relating to land acquired for open spaces &c.) of this Act.

PART IX.

STREET TRADING.

319.—(1) The provisions of this Part of this Act shall come into operation at the commencement of this Act in the boroughs of Acton Ealing Edmonton and Willesden and in the urban district of Yiewsley and West Drayton. Application
of Part IX.

(2) (a) The provisions of this Part of this Act shall come into operation in any district other than those mentioned in subsection (1) of this section or in any part of such district upon the passing of a resolution to that effect by the council of such district on such a date as may be named in the resolution not being less than two months after the date on which it is passed.

PART IX.
—cont.

(b) Not less than six weeks before the provisions of this Part of this Act come into operation in any district or in any part thereof in pursuance of this subsection the local authority shall give notice thereof by advertisement in a local newspaper circulating in their district and shall inform the Secretary of State.

(3) (a) A local authority in whose district or in part of whose district the provisions of this Part of this Act are for the time being in operation may by resolution determine that they shall cease to be in operation on the thirty-first day of March following the passing of the resolution and upon that date they shall cease to be in operation in that district or such part thereof:

Provided that if the resolution is passed in the month of March the said provisions shall so cease to be in operation on the thirty-first day of March in the year following the passing of the resolution.

(b) A local authority passing a resolution under this subsection shall send a copy thereof to the Secretary of State.

Licensing
of street
traders.

320. It shall not be lawful for any person to sell or expose or offer for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street without a licence from the local authority authorising him so to do:

Provided that subject to the provisions of any byelaws made under this Part of this Act this section shall not apply to any person selling or exposing or offering for sale any article or thing from or upon any barrow cart stall or other receptacle which he ordinarily moves from place to place in pursuit of and while conducting his trade.

Applications
for licences
&c.

321.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the local authority and shall in such application state his full name and address and the nature of the articles and things which he intends to sell or expose or offer for sale under the authority of the licence if granted the place (if any) at which the articles or things will be stored by him before any sale or exposure or offer for sale and the street or streets or area in which and the day or days and the time or times on and at or during which he intends to sell or expose or offer for sale such articles or things.

(2) An application for the renewal of a licence shall be made not less than one month before the date on which such licence will expire.

(3) The local authority shall at any annual meeting fixed by them for the purpose of considering applications under this Part of this Act next following the date of the receipt of an application under the provisions of this section or (if the date of any such annual meeting is more than one month after the date of such receipt) as soon as reasonably practicable after the receipt of the application grant or renew a licence to the applicant under and for the purposes of this Part of this Act:

Provided that the local authority may refuse to grant or renew a licence or may at any time revoke or vary a licence granted to any person if—

- (a) on account of misconduct or for any other sufficient reason he is in their opinion unsuitable to hold such licence; or
- (b) the space available in the street or streets or area to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of such licence insufficient for the selling or exposing or offering for sale by the applicant or licensee of any articles or things under the authority of a licence under this Part of this Act or of the particular articles or things referred to in the application or licence without causing undue interference with or inconvenience to the traffic in such street or streets or area; or
- (c) the street or streets to which the application relates is or are not a street or streets ordinarily prescribed by the local authority in licences granted by them pursuant to this Part of this Act; or
- (d) the applicant or licensee persistently neglects or fails to pay any charges due from him under this Part of this Act or the byelaws made thereunder;

but shall not refuse to grant or renew a licence or revoke a licence on the ground only that the applicant for or holder of the licence does not reside in the district:

Provided also that the operation of this subsection shall be subject to the provisions of section 322 (For preventing interference with traffic) of this Act.

(4) Any such licence may prescribe—

- (a) the street or streets or area in which and the position or place in any such street or area at which the licensee may sell or expose or offer for sale articles or things as aforesaid;

PART IX.
—cont.

- (b) the class or classes of articles or things which may be sold or exposed or offered for sale under such licence Provided that no article of food shall be classed with any other commodity;
- (c) the day or days and the time or times on and at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid; and
- (d) the number of barrows carts stalls or other receptacles which may be used for those purposes under the authority of the licence;

and on any occasion of the renewal of a licence the local authority may vary such prescription.

(5) The local authority shall not refuse to renew or shall not revoke or vary any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked or varied not less than seven days' previous notice that objections have been or will be taken to such renewal or that a revocation or variation is proposed and unless on written application made within three days after the receipt of such notice they have afforded to such person an opportunity of being heard against such refusal revocation or variation.

For
preventing
interference
with traffic.

322.—(1) Where it appears to the Secretary of State after consultation with the local authority that the presence of persons licensed under this Part of this Act causes or is calculated to cause undue interference with or inconvenience to traffic in any street or part of a street in any district or part of a district in which the provisions of this Part of this Act are in force he may by order prohibit selling or exposing or offering for sale by persons licensed or thereafter to be licensed under this Part of this Act in any such street or part of a street except in such numbers and under such conditions (if any) as may be prescribed in the order.

(2) Where the Secretary of State proposes to make an order under this section he shall cause notice of the proposal to be published in at least one newspaper circulating within the district and shall also cause a copy of such notice to be posted for not less than fourteen consecutive days in some conspicuous position in the street or part of a street to which the proposal relates and every such notice shall—

- (a) specify the street or part of the street to which the proposal relates; and
- (b) notify the time (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the Secretary of State.

(3) Before carrying into effect any proposal of which notice is required by this section to be given the Secretary of State shall consider any objection to the proposal which is sent to him in writing within the time fixed in that behalf and shall if necessary cause a public local inquiry to be held:

Provided that where more than twenty persons affected by the proposal have duly presented objections thereto and have not withdrawn the same the Secretary of State shall before making the order cause a public local inquiry to be held with reference to the proposal.

(4) Section 290 of the Act of 1933 shall apply to any public local inquiry held under the provisions of this section.

(5) Where any such order as aforesaid is made and is in force no licence shall be granted or renewed under this Part of this Act contrary to the order and any such licence to the extent to which it contravenes the order shall be inoperative:

Provided that any such order shall not affect the operation of any licence in force at the date on which the order comes into force.

(6) Any refusal of the local authority to grant or renew a licence in pursuance of the provisions of the preceding subsection shall not be a ground for appeal.

323. Any person making application for the grant or renewal of a licence under this Part of this Act shall when making the same pay to the local authority in respect of such application a fee of five shillings. Fees on licences.

324. Every licence granted or renewed under this Part of this Act shall unless revoked be valid for a period expiring on the thirty-first day of March next after the expiration of one month after the date of such grant or renewal. Duration of licences.

325.—(1) If the local authority refuse to grant or renew a licence or revoke or vary a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal revocation or variation. Notice of refusal or revocation of licences.

(2) Any person aggrieved by such refusal revocation or variation or by any prescription made by the local authority under subsection (4) of section 321 (Applications for licences &c.) of this Act may appeal to a court of summary jurisdiction.

PART IX
—cont.Byelaws as
to trading
under
licences.

326.—(1) The local authority may make byelaws relating to the following matters:—

- (a) The days on which and the times during which articles or things may be sold or exposed or offered for sale under the authority of a licence granted or renewed under this Part of this Act;
- (b) The deposit and removal of refuse and the charges which may be made for such removal or for any other services rendered by the local authority;
- (c) The allocation maximum dimensions and arrangement of barrows carts stalls and other receptacles;
- (d) The storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles of food intended to be sold or exposed or offered for sale under the authority of the licence;
- (e) Any other conditions under which articles or things may be sold or exposed or offered for sale under such authority;
- (f) The prohibition on such days and during such hours as may be specified in the byelaws of the sale or exposure or offer for sale of any article or thing from any barrow cart stall or other receptacle in any street or part of a street specified in the byelaws (being a street or part of a street ordinarily prescribed by the local authority in licences granted by them pursuant to this Part of this Act) by any person other than a person holding a licence from the local authority under this Part of this Act authorising him so to do.

(2) Before confirming any byelaw relating to the storage and sanitary supervision of articles of food the Secretary of State shall consult the Minister of Health.

Power to
make charges.

327. The local authority may make and recover from persons licensed by them under this Part of this Act charges not exceeding the amount of the charges prescribed by byelaws made under this Part of this Act.

Power to
licensees to
employ other
persons.

328. Any person holding a licence under this Part of this Act may employ any other person to assist him in the conduct of his business without any further licence under this Part of this Act being required.

Penalties
for offences
in respect
of trading
required to
be licensed.

329. Every person who or whose assistant without a licence under this Part of this Act authorising him so to do or contrary to any prescription of such licence sells or exposes or offers for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position

at a place in the carriageway or footway of any street in any district or part of a district in which the provisions of this Part of this Act are in force or obtains a licence or the renewal of a licence by wilful misrepresentation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

PART IX.
—cont.

330. Nothing in this Part of this Act shall restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence.

Saving for holders of pedlars' certificates and hawkers' licences.

331. Nothing in this Part of this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924 or of any enactment relating to obstruction of traffic in highways.

Saving for London Traffic Act 1924 and other enactments.

332. In the case of any market or fair held in pursuance of any statute royal licence royal charter or letters patent or as of right from time immemorial nothing in this Part of this Act shall affect the sale or exposure for sale by any person who has paid a toll to or shall be acting under the written authority of a person holding or entitled to hold such market or fair or to receive tolls in respect of sale made or stalls or stands occupied in such market or fair of goods in any such market or fair.

Saving for sales in legal markets or fairs.

333. If the provisions of this Part of this Act are brought into operation in the borough of Hendon by a resolution of the council of that borough the provisions of Part VII (Street trading) of the Hendon Urban District Council Act 1929 shall thereupon cease to have effect and any byelaws made and licences granted under the said Part of the last-mentioned Act shall be deemed to have been made and granted under this Act.

Amendment of Hendon Urban District Council Act 1929.
20 & 21 Geo. 5.
c. xxi.

PART X.

ELECTRICITY.

334. In this Part of this Act "undertakers" means any local authority authorised at the commencement of this Act to supply electricity in any part of the county except the council of the borough of Brentford and Chiswick.

Definition of undertakers.

335.—(1) Subject to the provisions of the Electricity (Supply) Acts 1882 to 1936 and the schedule to the Electric Lighting (Clauses) Act 1899 the undertakers within their area of supply may (with the consent of the highway authority) in or

Power to construct electrical substations under streets.

PART X.
—cont.

under any street within the county repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons if any liable to repair the same) in or under any street within the county not so repairable or not dedicated to the public use construct and maintain substations and transforming stations in connection with their electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such substations and transforming stations as may be necessary or convenient:

Provided that the consent of the highway authority shall not be unreasonably withheld and any question which may arise as to whether or not such consent has been unreasonably withheld shall be referred to arbitration and unless otherwise agreed the arbitrator shall be appointed by the Minister of Fuel and Power.

(2) (a) Not less than twenty-eight days before commencing any of the works authorised by this section the undertakers shall deliver to each authority company or person authorised by any Act of Parliament or Order to carry on any water or gas undertaking within the area of supply of the undertakers or any part of that area (each of which authorities companies and persons is in this section referred to as "the owners") plans sections and particulars of such works and the owners may within twenty-eight days after the receipt of such plans sections and particulars give notice to the undertakers of any objections which they may have to the construction of the works or to the proposed position thereof or of any conditions which should apply in regard to the construction of such works by reference to the effect of such works either upon any existing mains pipes syphons tubes meters fittings or other apparatus (all of which are in this section referred to as "apparatus") of the owners or upon any apparatus which it may be necessary for the owners to lay or place within a reasonable period after the delivery of such plans sections and particulars.

(b) Unless an agreement shall be arrived at between the undertakers and the owners with reference to the matters to which any such notice by the owners relates a difference shall be deemed to have arisen between them which shall be referred to arbitration.

(c) The undertakers shall not execute any works under the powers of this section otherwise than as may be agreed between the undertakers and the owners or in case of difference as shall be determined by arbitration.

(3) The powers conferred by this section shall not extend to any street belonging to the London County Council other than a street forming part of a housing estate except with the

consent in writing of that council and subject to such terms and conditions as they may reasonably impose but such consent shall not be unreasonably withheld and upon an application made to the Minister of Fuel and Power by the undertakers the said Minister may determine whether such consent has been unreasonably withheld.

(4) The undertakers shall not construct any such sub-station or transforming station so as to obstruct the access to or exit from any station or depot of a railway company constructed and maintained under statutory authority or except with the consent in writing of the railway company—

- (a) in or upon any bridge carrying a street over a railway of the railway company or the approaches thereto or under any bridge carrying such a railway over a street or within ten feet of any abutment or wing wall of any such bridge; or
- (b) in any street belonging to or repairable by the railway company and forming the approach to any station or depot of the railway company; or
- (c) in or under any street or public place at any point over a tunnel or subway belonging to the railway company.

(5) The undertakers shall not construct any such sub-station or transforming station—

- (a) in or upon any bridge carrying a street over a railway or trolley vehicle route of the transport board or the approaches thereto or under any bridge carrying such a railway over a street or within ten feet of any portion of any abutment or wing wall of any such bridge; or
- (b) in any street belonging to or repairable by the transport board and forming the approach to any station depot garage works or other premises of the transport board; or
- (c) in or under any street or public place at any point over a tunnel or subway belonging to the transport board; or
- (d) so as to obstruct the access to or exit from any station depot garage works or other premises of the transport board constructed and maintained under statutory authority;

except with the consent in writing of the transport board.

336.—(1) If the owner or occupier of any premises erected or in process of erection within the area of supply of any undertakers on land abutting on any street laid out as such but not dedicated to the public use or if so dedicated not

Power to
break up
private
streets.

PART X.
—cont.

repairable by the local authority (including a county council) applies to the undertakers for a supply of electricity to those premises then—

(a) so much of any Act or Order applying to the undertakers as requires the consent of the person by whom the street is repairable to the breaking up by the undertakers of the street shall not have effect in relation to the street;

10 & 11 Vict.
c. 15.

(b) the Gasworks Clauses Act 1847 in its application to the undertakers shall have effect in relation to the land comprised in the street as if section 7 thereof had been excepted from incorporation with the Acts or Orders applying to the undertakers; and

(c) except in the case of such streets as are referred to in subsection (2) or subsection (3) of this section the authority who would be responsible for the maintenance and repair of the street if it were repairable by the inhabitants at large shall have the like rights under section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 or if that section does not apply to the undertakers under the corresponding provision in the Act or Order applying to the undertakers as are thereby conferred on the person by whom the street is repairable.

(2) Nothing in this section shall authorise the breaking up by any undertakers of any street which is repairable by—

(i) the transport board; or

(ii) the owners trustees or conservators acting under powers conferred by Parliament of any railway canal or inland navigation; or

(iii) any statutory undertakers;

unless the consent in writing of such persons is obtained by the undertakers intending to break up the street but such consent shall not be unreasonably withheld and upon an application made to the Minister of Fuel and Power by the last-mentioned undertakers the said Minister may if he thinks fit determine whether such consent has been unreasonably withheld.

(3) Nothing in this section shall authorise the breaking up by any undertakers of any street belonging to the London County Council other than a street forming part of a housing estate except with the consent in writing of that council and subject to such terms and conditions as they may reasonably impose but such consent shall not be unreasonably withheld and upon an application made to the Minister of Fuel and Power by the undertakers the said Minister may determine whether such consent has been unreasonably withheld.

337.—(1) Notwithstanding anything in section 335 (Power to construct electrical substations under streets) and section 336 (Power to break up private streets) of this Act the undertakers shall not exercise the powers of those sections with respect to—

PART X.
—cont.
Saving for canal company and conservancy board.

(a) any street belonging to or repairable by the canal company or the towpath of any canal belonging to them; or

(b) any street belonging to the conservancy board or any towpath of the river Lee navigation;

except with the consent in writing of that company or board (as the case may be).

(2) Provided that with respect to a street which is not a towpath such consent shall not be unreasonably withheld and upon application made to the Minister of Fuel and Power by the undertakers the said Minister may if he thinks fit determine whether such consent has been unreasonably withheld.

338.—(1) The powers conferred on undertakers by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows:—

Further powers as to entry upon premises.

(a) The premises which may be entered shall include all premises in the area of supply of the undertakers in which electric fittings are being or have been installed and which are supplied or are intended to be supplied by the undertakers;

(b) The purposes for which premises may be entered shall include the following purposes (that is to say) the inspection of all meters and electric fittings on the premises whether belonging to the undertakers or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the undertakers or of any regulation or byelaw made thereunder and where the undertakers are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises the cutting off of such supply.

The undertakers shall not have any power of entry into any such premises under this section except through an officer duly authorised by them who shall if so required produce his authority.

(2) Where any premises which any undertakers are entitled to enter in pursuance of the said section 24 are unoccupied they may in case of emergency without notice and in any other case after giving not less than forty-eight hours' notice

PART X.
—cont.

to the owner thereof or if he is unknown to them and cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and in addition to their obligations under the said section 24 with respect to the repair of damage the undertakers shall on quitting the premises be under an obligation to leave the same not less secure than they were on entry.

(3) Any person who shall refuse or unreasonably neglect to admit any officer producing on demand written authority from the undertakers to any premises which they are entitled to enter in pursuance of the said section 24 or who shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

16 & 17 Geo. 5.
c. 51. (4) In this section the expression "electric fittings" has the same meaning as in section 48 of the Electricity (Supply) Act 1926.

(5) The provisions of this section shall not apply to or in respect of any buildings or premises (not being a dwelling-house) belonging to the transport board or any railway company canal company navigation authority or conservancy authority or tramway light railway gas water or electricity undertakers and used for the purposes of their undertaking or to any buildings or premises in the occupation of any local authority (including a county council).

Use for one
purpose of
electricity
supplied for
another
purpose.

339.—(1) Where the charges made by any undertakers for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the undertakers for the first-mentioned purpose shall not without the consent in writing of the undertakers be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is supplied uses it or suffers it to be used in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Where a person is convicted of an offence under this section in respect of the use of electricity for any purpose the court may direct that all or any portion of the electricity which has been supplied to him by the undertakers within one year previous to the date when the proceedings were instituted at a rate of charge lower than the rate of charge appropriate for electricity supplied for such purpose shall be charged for at the last-mentioned rate.

340.—(1) Where a meter supplied by any undertakers is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of the class to which the meter belongs it shall in the absence of agreement to the contrary be deemed to have registered erroneously to the degree so found from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date.

PART X.

—cont.

Period of
error in
defective
meters.

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

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

Expenses
and receipts
under this
Part of Act.

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

342.—(1) Notwithstanding anything contained in any other enactment the following provisions shall have effect with reference to any electricity undertaking (in this section referred to as "the undertaking") carried on by any undertakers:—

Revenue and
expenditure
of electricity
undertakings.

(a) There shall be carried to and form part of the general rate fund of the undertakers (in this section referred to as "the general rate fund")—

(i) all moneys received by the undertakers on account of the revenue of the undertaking; and

(ii) all interest and other annual proceeds received by the undertakers on the investments forming part of any fund accumulated in relation to the undertaking for the redemption of debt or as a reserve fund;

and there shall be paid out of the general rate fund all payments made and expenses incurred by the undertakers on revenue account in respect of the undertaking;

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—cont.

- (b) An amount equivalent to such interest, and other annual proceeds as are referred to under the foregoing head (ii) shall be credited in the accounts to the fund of which the investments producing such interest and proceeds form part but not so as to increase such fund to an amount exceeding—
- (i) in the case of a fund accumulated for the redemption of debt the amount of the loan for the redemption of which such fund was formed; or
 - (ii) in the case of a reserve fund the prescribed maximum;
- (c) The undertakers shall keep the accounts of the undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all income in respect of the undertaking and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show in each case the amounts representing—
- (i) the working and establishment expenses and cost of maintenance of the undertaking;
 - (ii) the interest on moneys borrowed by the undertakers for the purposes of or connected with the undertaking;
 - (iii) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for purposes of the undertaking;
 - (iv) all other expenses (if any) of the undertaking not being expenses properly chargeable to capital;
 - (v) the sums (if any) applied out of the general rate fund for any of the purposes mentioned in paragraph (d) of this subsection;
- (d) If in respect of any year the accounts of the undertaking show that the total amount carried to the general rate fund under paragraph (a) of this subsection exceeds the aggregate amount of the expenditure in respect of that year under heads (i) (ii) (iii) and (iv) mentioned in paragraph (c) of this subsection and of the amount credited in respect of that year under paragraph (b) of this subsection to the funds referred to in that paragraph the undertakers shall out of the general rate fund apply a sum equal to such excess to any one or more of the following purposes:—
- (i) in the reduction of the charges for the supply of electrical energy;

(ii) in reduction of capital moneys borrowed for purposes of the undertaking;

(iii) with the consent of the electricity commissioners in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;

(iv) in providing a reserve fund (such fund to be included within and to form part of the general rate fund) by setting aside such amounts as they may from time to time think reasonable and (unless the undertakers are empowered to apply the same in any other manner) investing in statutory securities the amounts so set aside and sums equivalent to any amounts from time to time credited to that fund under paragraph (b) of this subsection until the fund so formed amounts to one-tenth of the aggregate capital expended for the time being upon the undertaking (in this section referred to as "the prescribed maximum"):

Provided that if any such reserve fund exceeds an amount equivalent to one-twentieth of the aggregate capital expended for the time being upon the undertaking the foregoing provisions of this paragraph shall not be binding on the undertakers unless and except in so far as the amount of such excess exceeds an amount equivalent to one-and-a-half per centum of the outstanding debt of the undertaking.

(2) (a) Any reserve fund which has been formed for the purpose of the undertaking and which was in existence at the commencement of this Act shall if amounting to the prescribed maximum be deemed to have been provided under this section and shall if amounting to less than the prescribed maximum be deemed to be part of a reserve fund so provided.

(b) The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the undertaking or to meet any extraordinary claim or demand at any time arising against the undertakers in respect of the undertaking or with the consent of the electricity commissioners for the payment of the cost of renewing improving or extending any part of the undertaking or otherwise for the benefit or development of the undertaking and if that fund is 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.

(c) Resort may be had to any such reserve fund although such fund at the time may not have reached or may have been reduced below the prescribed maximum.

PART X.
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(3) Paragraph (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 or the corresponding provisions of any special Act or Provisional Order relating to the supply of electricity which does not incorporate the provisions of the said first-mentioned schedule shall not apply to the undertaking and to the undertakers in respect thereof.

PART XI.

MOVEABLE DWELLINGS AND CAMPING GROUNDS

Definitions
for Part XI.

343. In this Part of this Act unless the context otherwise requires—

“moveable dwelling” includes—

(a) any tent;

(b) any structure capable of being moved from place to place; and

(c) any van cart carriage truck tramcar railway carriage motor car caravan trailer or other vehicle;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or in connection with building operations;

(ii) any tent structure or vehicle temporarily used for the service of the Council or of any local authority or other public authority;

(iii) any canal boat or any other boat;

(iv) any shelter provided by the Council for the treatment of tuberculosis or in connection with an open air school;

(v) any vehicle used by a railway company in connection with the maintenance and repair of their undertaking;

(vi) any vehicle used by the transport board in connection with the maintenance and repair of their railways; or

(vii) any van or similar vehicle belonging to any statutory undertakers and any trailers drawn by such van if and so long as the van and trailers are used by those undertakers as travelling show-rooms or for the purpose of giving exhibitions and demonstrations of the electrical gas or water appliances provided by those undertakers and the manner in which such appliances can be used;

“ camping ground ” means any area of land on which moveable dwellings are situated or which is provided for the placing of moveable dwellings;

“ occupier ” in relation to a moveable dwelling shall be deemed to include an owner.

344.—(1) Where it appears to any local authority (other than the local authority of a district to which the provisions of the next succeeding section apply)—

Court may prohibit moveable dwellings in certain areas.

(a) that the amenities of any part of their district are prejudicially affected by the presence of or conditions arising from any moveable dwelling or moveable dwellings in their district; or

(b) that annoyance is caused to the residents in or visitors to any part of their district by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any moveable dwelling or moveable dwellings in their district;

the local authority may make complaint to a court of summary jurisdiction and the court may by order—

(i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the moveable dwelling or of all or any particular one or more of the moveable dwellings to which the complaint relates; and

(ii) prohibit any moveable dwelling being placed on or limit the number or define the class of moveable dwellings to be at any one time situate within the whole or some part of an area to be specified in the order:

Provided that the area specified in an order made under the foregoing paragraph (ii) shall not extend beyond the distance of two hundred yards from the moveable dwelling or all of the moveable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any moveable dwelling not being a moveable dwelling to which the complaint related.

(2) Any person aggrieved by any order made by a court of summary jurisdiction under subsection (1) of this section may appeal to the next practicable court of quarter sessions holden in or for the county.

(3) If no appeal be lodged within the period allowed by the Summary Jurisdiction Acts as amended by the Summary Jurisdiction (Appeals) Act 1933 against any order made under paragraph (ii) of subsection (1) of this section then as soon as practicable after the expiration of that period and if any such

23 & 24 Geo. 5.
c. 38.

PART XI.
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appeal be duly lodged and be dismissed by the court of quarter sessions then as soon as practicable after the decision of that court the order shall be published by the local authority or local authorities of the district or districts within which the area specified in the order is situate in one or more local newspapers circulating in their district or districts and by placards posted in conspicuous positions in or near to some part of that area and such order shall come into force on the expiration of fourteen days from the completion of the publication of the order in accordance with the requirements of this subsection.

The local authority or local authorities shall also so long as any such order is in force keep posted in conspicuous positions in or near to some part of the area specified in the order placards giving notice of the terms of the order.

(4) (a) Any occupier of a moveable dwelling who fails to comply with any order of the court made under paragraph (i) of subsection (1) of this section within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves at any time after the expiration of the said period enter on the land and remove the moveable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any moveable dwelling in contravention of any order of the court made under paragraph (ii) of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves enter on the land and remove the moveable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(5) (a) Where a court of summary jurisdiction has made an order under paragraph (ii) of subsection (1) of this section an application for the rescission of the order may be made to the court—

- (i) at any time by the local authority on whose complaint the order was made; or
- (ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the local authority not less than fourteen days' notice of his intended application;

and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the local authority or local authorities of the district or districts within which the area to which the order related is situate in one or more local newspapers circulating in their district or districts and the local authority or local authorities shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (3) of this section.

345.—(1) No moveable dwelling shall be placed or kept on any land situate within any district in the county having a population of not less than twenty thousand according to the published returns of the last census without the previous consent of the council of such district. Prohibition of moveable dwellings.

(2) It shall not be lawful for any person without the previous consent of the council of such district to let or permit to be used any land so situate for occupation by any moveable dwelling unless the surface of such land is covered with concrete or other suitable material and unless and until such land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water to the satisfaction of such council.

(3) (a) Any person aggrieved by the withholding by such council of their consent under the provisions of this section may appeal to a court of summary jurisdiction within fourteen days after the date of the decision of such council.

(b) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk to such council before lodging the appeal and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(4) This section shall not apply to a moveable dwelling which is used or intended to be used by the occupier as the sole or principal means of habitation for a period of not more than three months in any year.

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

346. The proviso to subsection (9) of section 269 of the Act of 1936 (which enables a Minister on the application of the local authority to declare that section to be in force within their district) shall have effect as if this Act had been in force before the commencement of that Act. Application of section 269 of Act of 1936.

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—cont.

Further
provisions
as to
moveable
dwellings.

347.—(1) A moveable dwelling upon land abutting upon a street in the county shall be deemed to be a house or building within the meaning of those words where they occur in the Public Health (Buildings in Streets) Act 1888.

(2) It shall not be lawful without the written consent of the local authority to place any moveable dwelling upon any square court alley or passage to which the public have access.

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

Provision
of camping
grounds
by local
authority.

348.—(1) A local authority may subject to the approval of the Minister by agreement purchase or take on lease land within their district and use the same or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the local authority.

(2) A local authority before applying for the approval of the Minister of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in their district and in such other manner (if any) as the Minister may direct.

The said notice shall state the matters mentioned in paragraph (d) of subsection (6) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the clerk to the local authority.

(3) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider any representations on the proposal of the local authority which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(4) Before signifying such approval the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (a) to (d) of subsection (6) of this section.

(5) The local authority shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

(6) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider the report made to him by the person holding any such inquiry and shall also have regard to (inter alia)—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provisions of the proposed camping ground on the amenities of surrounding properties;
- (b) the ability of the occupiers of moveable dwellings to comply with any byelaws respecting the use of camping grounds made by the local authority under this Part of this Act;
- (c) the distance between and area of camping grounds in the neighbourhood whether provided by the local authority under this section or not; and
- (d) the area and situation of and the condition as to the provision of water supply sanitation and otherwise proposed to be prescribed by the local authority with respect to the proposed camping ground.

(7) Where a local authority have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings which may have been prescribed by the local authority with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground on payment of such fee as may be prescribed by the local authority.

349. Any local authority for the purpose of securing the amenities of their district in relation to the use of camping grounds and moveable dwellings situate thereon may make byelaws with respect to any camping grounds within their district whether provided by the local authority or not—

- (a) for securing sanitary conditions in and the proper control and management of such camping grounds;
- (b) for securing the cleanliness of such camping grounds and moveable dwellings situate thereon;
- (c) for preventing the amenities of their district being prejudicially affected by the state or condition of any such camping ground;

PART XI.
—cont.

- (d) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the moveable dwellings situate thereon;
- (e) for preventing annoyance to the residents in or visitors to their district by the conduct of the occupiers of or persons frequenting moveable dwellings situate on any such camping ground.

Temporary closing of camping grounds.

350.—(1) A local authority may by order close either permanently or during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them.

(2) Any order made by a local authority under this section shall be published in one or more local newspapers circulating in their district and by placards posted in a conspicuous position on or near the camping ground to which the order relates and such order shall not come into force until such date as may be stated in the order and not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

Savings from certain provisions of Part XI.

351. The following sections of this Act:—

Section 344 (Court may prohibit moveable dwellings in certain areas);

Section 345 (Prohibition of moveable dwellings); and

Section 349 (Byelaws as to camping grounds);

shall not apply to—

(a) any camping ground provided by or belonging to or used by any portion of His Majesty's naval military or air forces or which may be certified as under supervision of or by a territorial army association or an auxiliary air force association or a county joint association or by a cadet unit of the British National Cadet Association officially recognised by the Army Council or a training corps recognised by the Admiralty or the Air Ministry;

(b) any moveable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society. Any question whether a society or body is a religious or charitable society shall be determined by a court of summary jurisdiction;

(c) any moveable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;

- (d) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp;
- (e) any moveable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (d) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph; or
- (f) any person dwelling in a tent or van or other similar structure who is a travelling roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker) and who uses such tent van or other structure in connection with his business:

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (b) and (c) in respect of any moveable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society body association or organisation by or to which such moveable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the moveable dwelling and for the proper management of the camping ground;
- (ii) the exemptions conferred by the foregoing paragraphs (d) and (e) in respect of any camping ground or moveable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such moveable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon;
- (iii) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct; and
- (iv) if any society or body referred to in the said paragraph (b) are using any camping ground provided by a local authority or if any person being a member of any such society or body or a person referred

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—cont.

to in the said paragraph (f) is occupying or using a moveable dwelling situate on any camping ground so provided the members of such society or body or such person shall while camping on or occupying or using any moveable dwelling situate on that camping ground comply with any byelaws made by the local authority under this Part of this Act respecting that camping ground.

Saving for market rights.

352. Nothing in this Part of this Act shall affect the rights or privileges of any person in respect of any lawful fair or market.

PART XII.

ESTABLISHMENTS FOR MASSAGE AND SPECIAL TREATMENT.

Definition of establishment for massage or special treatment.

353. In this Part of this Act the expression " establishment for massage or special treatment " means any premises in the county used or represented as being or intended to be used for the reception or treatment of persons requiring—

- (a) massage manicure or chiropody; or
- (b) electric treatment or radiant heat light electric vapour or other baths for therapeutic treatment; or
- (c) other similar treatment.

Commencement of Part XII.

354.—(1) This Part of this Act shall come into force at the commencement of this Act in the boroughs of Brentford and Chiswick Ealing Edmonton Hendon Southgate Tottenham Twickenham and Wembley and in the urban districts of Friern Barnet Harrow Staines and Sunbury-on-Thames but shall not come into force in any other part of the county except in pursuance of the following provisions of this section.

(2) The council of any district except a borough or urban district named in the foregoing subsection may by resolution declare that this Part of this Act shall come into force in such district on the date stated in the resolution not being earlier than the expiration of three months after the passing of the resolution.

(3) Such council shall forward a copy of such resolution to the Secretary of State and to the Council.

(4) If any such resolution shall be passed by the council of any district this Part of this Act shall (subject to compliance by such council with the final section of this Part) come into force in such district on the date stated in the resolution.

(5) In this Part of this Act the expression " the prescribed date " means with respect to the several boroughs and urban districts named in subsection (1) of this section the date of the

commencement of this Act and elsewhere the date on which this Part of this Act shall come into force and the expression "the local authority" means the council of any district in which this Part of this Act shall be in force.

PART XII.
—cont.

355. On and after the prescribed date no person shall in a district in which this Part of this Act is in force carry on an establishment for massage or special treatment without a licence from the local authority authorising him so to do.

Establishments for massage or special treatment to be licensed.

356.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the local authority and shall in the application state—

Applications for licences.

- (a) his full name;
- (b) his age and nationality;
- (c) his technical qualifications;
- (d) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body;
- (e) the name under which and the address at which the establishment is carried on or proposed to be carried on;
- (f) the nature of the establishment and of the business carried on or proposed to be carried on thereat;
- (g) whether and if so to what extent he is or has been interested in any other establishment for massage or special treatment; and
- (h) such further information (if any) as the local authority may reasonably require with respect to him or the establishment carried on or proposed to be carried on by him.

(2) Every application for a licence to carry on an establishment for massage or special treatment in existence at the passing of any resolution under the foregoing provisions of this Part of this Act declaring that this Part shall come into force within the district in which the establishment is situate shall be made within two months after the date or (if more than one date) the latest date of publication under the final section of this part of this Act of the advertisement declaring that this Part of this Act shall come into force in that district,

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(3) The person making an application under this section shall when making the same pay to the local authority such fee as the local authority may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant of a licence	2	2	0
(b) in respect of an application for the renewal of a licence	1	1	0

and the fees paid on any application for the grant or renewal of a licence may be retained by the local authority whether such licence is or is not granted or renewed.

(4) Subject to the foregoing provisions of this section the local authority may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

Grant of
licences.

357.—(1) The local authority shall as soon as reasonably practicable after the receipt of an application under this Part of this Act (and not later in the case of an application under subsection (2) of the last preceding section than the prescribed date) grant or renew a licence to the applicant to carry on an establishment for massage or special treatment of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the treatment afforded or the nature of the business carried on at the establishment and generally for securing the proper conduct of the establishment:

Provided that the local authority may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years; or
- (b) to any person who may be unsuitable to hold such licence; or
- (c) in respect of any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable; or
- (d) in respect of any establishment which has been or is being improperly conducted; or
- (e) in respect of any establishment in which massage or special treatment is or may be administered by any person who does not possess such technical qualifications as may be reasonably necessary; or

(f) in respect of any establishment which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) The local authority shall not either refuse to renew or revoke a licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice that objections have been or will be taken to such renewal or that a revocation is proposed and unless on written application made within three days after the receipt of such notice they shall have afforded to the applicant or holder an opportunity of being heard against such refusal or revocation.

Any notice served under this subsection shall notify the effect of subsection (4) of this section and the right of appeal conferred by this section.

(3) Every licence granted or renewed under this Part of this Act shall (unless revoked) be valid for a period expiring on the thirty-first day of March next after the expiration of one month after the date of such grant or renewal.

(4) If the local authority refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(5) Any person aggrieved by any conditions attached to a licence or any refusal of the local authority to grant or renew a licence or by the revocation by the local authority of a licence may appeal to a court of summary jurisdiction.

(6) On any such appeal the court may after considering any representations made by the local authority either confirm the refusal or revocation or attachment of conditions or may modify the conditions or may direct the local authority to grant or renew a licence subject to such conditions (if any) as the court may specify and the local authority shall comply with any such directions.

358.—(1) The local authority may make byelaws—

(a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his establishment for massage or special treatment;

(b) prescribing the entries to be made in connection with such business in such books or cards or forms;

Byelaws
as to estab-
lishments for
massage or
special
treatment.

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- (c) prescribing the technical qualifications to be possessed by any person who administers massage or special treatment at any establishment licensed under this Part of this Act;
- (d) for preventing fraud and immorality in the conduct of establishments so licensed; and
- (e) generally for regulating any premises used for the purposes of or in connection with any such establishment.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the local authority) in the premises to which the licence relates a copy of the byelaws made under this section.

Powers of
entry and
inspection.

359. Any officer or other person duly authorised by the local authority in that behalf may as regards premises in the district of the local authority—

- (1) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or such officer or person has reasonable cause to believe are used for the purposes of or in connection with an establishment for massage or special treatment; and
- (2) inspect such premises and the books cards or forms kept in connection with the establishment carried on at those premises.

Penalties for
offences in
respect of
establish-
ments for
massage &c.

360.—(1) Every person who in a district in which this Part of this Act is in force carries on an establishment for massage or special treatment without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give such particulars as are required by this Part of this Act to be given or who otherwise acts in contravention of the provisions of this Part of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a fine impose any period of imprisonment not exceeding three months.

(2) Every person who in a district in which this Part of this Act is in force—

- (a) refuses to permit any officer or authorised representative of the local authority to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this Part

of this Act to enter and inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made thereunder; or

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—cont.

(b) contravenes the provisions of any byelaw made under this Part of this Act; or

(c) issues publishes or displays or causes to be issued published or displayed any advertisement relating to an establishment for massage or special treatment which is not licensed in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice in writing from the local authority that the licence relating to such establishment has expired or has been refused or revoked under the provisions of this Part of this Act;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

361. Proceedings for the recovery of any penalties imposed by this Part of this Act may be taken by the local authority for the district in which the offence was committed.

Local authorities
may institute
proceedings for
penalties.

362. Subject as hereinafter provided the provisions of this Part of this Act shall not apply to an establishment for massage or special treatment carried on by a registered medical practitioner with respect to which there has been lodged with the local authority a certificate in a form to be approved by the local authority and signed by two registered medical practitioners practising or residing in the county not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such establishment to the effect that the medical practitioner carrying on or proposing to carry on such establishment is a suitable person to carry on the same at the premises used or to be used therefor:

Saving for
establish-
ments carried
on by medical
practitioners.

Provided that any such certificate shall not be valid—

(a) with respect to any person or premises other than the person or premises specified therein; or

(b) for a period extending beyond the thirty-first day of January next following the date of the certificate.

363.—(1) Subject as hereinafter provided the provisions of this Part of this Act prohibiting a person from carrying on an establishment for massage or special treatment without a licence from the local authority authorising him so to do shall not apply to a registered member of the Chartered Society of Massage and Medical Gymnastics carrying on or proposing to

Saving for
members of
Chartered
Society of
Massage
and Medical
Gymnastics.

PART XII
cont

carry on any such establishment with respect to which there has been lodged with the local authority a certificate in a form to be approved by the local authority and signed by two registered medical practitioners practising or residing in the county not being in partnership with each other and not having any financial or other interest in such establishment to the effect that the person carrying on or proposing to carry on such establishment is a suitable person to carry on the same at the premises used or to be used therefor:

Provided that any such certificate shall not be valid—

- (a) with respect to any person or premises other than the person or premises specified therein; or
- (b) for a period extending beyond the thirty-first day of January next following the date of the certificate.

(2) Any registered member of the said society carrying on an establishment for massage or special treatment with respect to which a valid certificate is deposited with the local authority under subsection (1) of this section is in this section referred to as a "registered member."

(3) During the validity of any such certificate the provisions of this Part of this Act (other than section 355 (Establishments for massage or special treatment to be licensed) section 356 (Applications for licences) and section 357 (Grant of licences)) shall apply to a registered member and to the establishment carried on by him—

- (a) as if he held a licence under this Part of this Act; and
- (b) as if the premises with respect to which the certificate has been given were the premises specified in the licence:

Provided that no person other than a medical officer of health or a registered medical practitioner shall be entitled for the purposes of this Part of this Act to inspect the premises at which the establishment is carried on or the books cards or forms kept in connection with such establishment.

(4) The provisions of this section shall apply to a registered member and to the establishment carried on by him so long only as he complies with the provisions of the charter granted to the said society and with the byelaws made thereunder.

364. Notwithstanding anything in this Part of this Act the provisions thereof shall not except as provided by the next succeeding section apply to—

- (1) any hospital infirmary institution or other establishment maintained or controlled by any county council local authority or any other authority or body constituted by Parliament or incorporated by royal charter; or

Saving for
certain
premises.

- (2) any hospital being a constituent of the British Hospitals Association or recognised as a voluntary hospital by any voluntary hospital consultative committee which may be established for the county or any part thereof or recognised by any committee or body administering any of the publicly subscribed funds known respectively as the King Edward Hospital Fund the Hospital Sunday Fund and the Hospital Saturday Fund as a hospital to which grants from any of such funds may be made; or
- (3) any nursing home which is for the time being registered under the Act of 1936 or exempted from registration under that Act by a certificate granted by either the Council or any local authority having power to grant such a certificate or by the Minister and at which the persons administering massage or special treatment have such technical qualifications as may be reasonably necessary; or
- (4) any premises used for the reception or treatment of persons for any purpose to which the provisions of this Part of this Act apply but not so used for the purpose of gain or reward; or
- (5) any premises being an establishment for massage or special treatment merely by reason of face or scalp massage or manicure treatment being administered in those premises.

365. In any case in which the local authority or any committee to whom the local authority may delegate any powers under this Part of this Act have reason to believe that any premises (including premises referred to in the foregoing section of this Act) situate in their district to which premises the provisions or some of the provisions of this Part of this Act do not apply are advertised as being used for some legitimate business but are in fact being used for immoral purposes the local authority or any such committee as aforesaid may subject to the approval of the Secretary of State by resolution determine that all or any of the provisions of this Part of this Act and of any byelaws made thereunder shall extend and apply to such premises within their district and the business carried on therein as if such premises and business were included in the expression "establishment for massage or special treatment" within the meaning of this Part of this Act and as from the passing of any such resolution as aforesaid or as from such date (if any) as may be specified therein all or any of the provisions of this Part of this Act and any such byelaws as aforesaid shall extend and apply accordingly.

Extension of
Part XII
to other
premises and
businesses.

PART XII.
—cont.
Notice of
Part XII.

366.—(1) As soon as practicable after a local authority have passed a resolution declaring that this Part of this Act shall come into force in their district they shall give public notice by advertisement in two or more newspapers circulating in such district and in such other manner as the local authority think expedient of the effect of this Part of this Act and of the district in which it is to come into force in pursuance of such resolution and of the date when it will so come into force.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with in regard to the district to which the resolution of the local authority referred to in the advertisement relates.

PART XIII.

PUBLIC ENTERTAINMENTS.

Music and
dancing
licences.

367.—(1) A place whether licensed or not for the sale of intoxicating liquor shall not be used for public dancing music or other public entertainment of the like kind without a licence for the purpose for which the same is to be used granted under this section.

(2) The Council may grant licences to such persons as they think fit to use places specified in the licence for all or any of the purposes aforesaid on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(3) A licence granted under this section shall be in force for one year or for such shorter period (to be stated in the licence) as the Council on the grant of the licence shall determine unless the same shall have been previously revoked:

Provided that the Council may if they think fit grant a licence (in this section referred to as an "occasional licence") for the use of any place for all or any of the purposes aforesaid on such one or more particular occasions only as may be specified in the licence.

(4) The Council may transfer any licence granted under this section to such person as they think fit.

(5) (a) An applicant for the grant or transfer of a licence under this section shall give not less than twenty-one days' notice of his intention to make such application to the Council and to the chief officer of police of the district in which the place to which the application relates is situate and the applicant shall also furnish such particulars and give such other notices as the Council may by regulation prescribe:

Provided that an applicant for an occasional licence or for the renewal thereof need only give to the Council fourteen days' notice of his intention to make such application and need not give notice to the chief officer of police.

(b) An applicant for the renewal of a licence shall give to the Council twenty-eight days' notice of his intention to make such application.

(6) A person when making application under this section shall pay to the Council such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of the grant or renewal of a licence for any period not less than one year (except in respect of a place referred to in paragraph (c) hereof)	1	0	0
(b) in respect of the grant or renewal of a licence for any period less than one year (except in respect of a place referred to in paragraph (c) hereof) five shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed	1	0	0
(c) in respect of a place for which a licence is in force under the Cinematograph Act 1909 five shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the licence under this section shall not exceed	10	0	0
(d) in respect of the transfer of a licence ...	5	0	0

9 Edw. 7. c. 30.

Provided that fees shall not be payable by any applicant for the grant renewal or transfer of a licence for a purpose which in the opinion of the Council is the purpose of a charitable or other like entertainment.

(7) Any place so used although licensed under this section shall not be opened for any of the said purposes except on the days and between the hours stated in the licence and no place so used shall except with the written permission of the Council be open for any of the purposes aforesaid after midnight and before the hour of noon:

Provided that if on any special occasion a special order of exemption shall have been granted under section 57 of the Licensing (Consolidation) Act 1910 in respect of any place licensed under this section no penalty shall be incurred on account of such place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such special order as the hour for closing.

PART XIII.
—cont.
Boxing and
wrestling
licences.

6 & 7 Vict.
c. 68.

368.—(1) In this Part of this Act “ boxing entertainment ” and “ wrestling entertainment ” mean any public contest exhibition or display of boxing or (as the case may be) wrestling but do not include boxing or wrestling entertainments which are provided—

- (a) by travelling showmen at pleasure fairs;
- (b) in premises licensed under this Part of this Act for music and dancing or under the Theatres Act 1843 provided that such licence continues to be in operation so long as such boxing or wrestling entertainment is in progress;
- (c) by members of the Boy Scouts Association or of any organisation constituted by the Boy Scouts Association in pursuance of their charter;
- (d) by any school; or
- (e) by a bona fide association club hospital or society not carried on for profit.

(2) A boxing or wrestling entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of this section.

(3) The Council may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(4) A licence granted under this section shall be in force for one year or for such shorter period (to be stated in the licence) as the Council on the grant of the licence shall determine unless it shall have been previously revoked:

Provided that the Council may if they think fit grant a licence (in this section referred to as an “ occasional licence ”) for the use of any premises for a boxing or wrestling entertainment on such one or more particular occasions only as may be specified in the licence.

(5) The Council may transfer any licence granted under this section to such person as they think fit.

(6) (a) An applicant for grant renewal or transfer of a licence under this section (other than an occasional licence) shall give not less than twenty-one days’ notice of his intention to make such application to the Council and to the chief officer of police of the district in which the premises to which the application relates are situate.

(b) An applicant for an occasional licence or for the renewal thereof shall give to the Council fourteen days’ notice of his intention to make such application.

(7) On receipt of a notice of intention to apply for a licence under this section the Council shall give to the local authority notice thereof and of the date upon which the application will be considered and upon such consideration the Council shall have regard to any representations which may be made by the local authority.

(8) A person when making application under this section shall pay to the Council such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of the grant or renewal of a licence (other than an occasional licence) for any period not less than one year ...	2	0	0
(b) in respect of the grant or renewal of a licence for any period less than one year ten shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed ...	2	10	0
(c) in respect of the grant or renewal of an occasional licence		10	0
(d) in respect of the transfer of a licence ...		5	0

(9) Any premises used for the purpose of a boxing or wrestling entertainment although licensed under this section shall not be open for that purpose except on the days and between the hours stated in the licence.

369. Any person who—

(a) provides an entertainment to which the foregoing provisions of this Part of this Act apply without a licence under this Part of this Act; or

Penalties
under
Part XIII.

(b) being the occupier or rated as occupier of any premises uses those premises or allows them to be used for any such entertainment without a licence under this Part of this Act; or

(c) being a person to whom a licence has been granted or transferred under this Part of this Act in respect of any premises uses those premises or allows them to be used in contravention of the terms conditions or restrictions on or subject to which the licence was granted or transferred;

shall be liable—

(i) in respect of an offence under paragraphs (a) or (b) of this section to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds; and

PART XIII.
—cont.

(ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Transmission
in case of
death.

370. In the event of the death of the holder of a licence under this Part of this Act then until a legal personal representative of such deceased holder has been duly constituted the person carrying on at the premises the functions in respect of which the licence was granted shall be deemed to be the holder of the licence unless in the meantime it has been transferred to some other person.

Cancellation
of licences.

371. The Council may upon receiving from the holder of a licence under this Part of this Act for the time being in force a written request in that behalf accompanied by the licence cancel the licence.

Notice to
be affixed.

372. Except in the case of an occasional licence under this Part of this Act there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this Part of this Act an inscription so as to be easily legible in the following terms:—

“ Licensed in pursuance of Act of Parliament for
”

with the addition of words showing the purpose or purposes for which the same are licensed.

Powers of
entry and
inspection.

373.—(1) A police constable or any person appointed for the purpose by the Council may at all reasonable times enter any premises licensed under this Part of this Act in which he has reason to believe that an entertainment to which the foregoing provisions of this Part of this Act apply is being or is about to be given with a view to seeing whether the provisions of this Part of this Act applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted are complied with.

(2) A police constable or any person appointed for the purpose by the Council may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which he has reason to suspect that an offence under this Part of this Act is being committed.

(3) Every person who refuses to permit any such constable or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to
make
regulations.

374. The Council (if they think fit) may (subject to the provisions of this Part of this Act) make regulations prescribing generally the terms conditions and restrictions on and subject

to which licences under this Part of this Act may be granted renewed or transferred and if any such regulations be made every such licence shall (without prejudice to the powers of the Council to grant a licence on and subject to any special terms conditions or restrictions) be deemed to be granted subject to the regulations.

PART XIII.
—cont.

Prima facie evidence of any regulation so made may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the clerk or some other officer of the Council authorised to give a certificate for the purpose of this section and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

375. If the holder of a licence granted under this Part of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted the licence may be revoked by the Council.

Power to
revoke
licences.

376. The references in the Theatres Act 1843 to having or keeping premises for the public performance of stage plays shall in their application to premises which are for the purposes of that Act under the control of the Council extend to and be deemed to include references to the using of premises whether on one occasion or on more than one occasion for the public performance of any stage play and the expressions "have or keep" and "kept open" where occurring in that Act shall be construed accordingly.

Occasional
user of
premises
for stage
plays.

377.—(1) Except in any case in which the Council otherwise require so much of section 7 of the Theatres Act 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in the said section shall cease to have effect as respects licences granted by the Council under that Act.

Dispensation
by Council
with bonds
by theatre
managers.

(2) (a) If the licensee of a theatre licensed by the Council under the Theatres Act 1843 uses it or allows it to be used in contravention of the provisions of that Act or any rules made by the Council thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

(b) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the Council.

PART XIII.
—cont.

(3) The Council shall within three months after the commencement of this Act give public notice of the foregoing provisions of this section by advertisement in two or more daily newspapers circulating in the county and in such other manner (if any) as they think fit.

PART XIV.

EMPLOYMENT AGENCIES.

Definition of
employment
agency.

378.—(1) In this Part of this Act the expression “ employment agency ” means any agency or registry carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity:

Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Act:—

- (a) any employment agency conducted by or under the direction and supervision of the Ministry of Labour and National Service under the Labour Exchanges Act 1909 or any other Act of Parliament; or
- (b) any juvenile employment bureau conducted by a local education authority; or
- (c) any employment agency which is carried on exclusively for the purpose of obtaining employment for—
- (i) persons formerly members of His Majesty’s naval military or air forces; or
 - (ii) persons released from a prison or Borstal institution or from an approved school; and which is certified for the time being by the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or
- (d) any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary Any question whether a society or body is a society or body within the meaning of this paragraph shall be determined by the Charity Commissioners.

(2) From the date appointed by the Minister for the coming into force in the county of the provisions of Part II of the Nurses Act 1943 the provisions of this Part of this Act shall not apply to an agency for the supply of nurses as

defined in section 13 of the said Act of 1943 but this subsection shall not be deemed to except from the provisions of this Part of this Act any business other than for the supply of nurses carried on in conjunction with such an agency.

PART XIV.
—cont.

379. No person shall carry on an employment agency without a licence from the Council authorising him so to do.

Employment agencies to be licensed.

380.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Council and shall in the application state—

Applications for licences.

- (a) his full name;
- (b) his age and nationality;
- (c) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body;
- (d) the name under which and the address at which the employment agency is carried on or proposed to be carried on;
- (e) the nature of the employment agency;
- (f) whether and if so to what extent he is or has been interested in any other employment agency; and
- (g) such further information (if any) as the Council may reasonably require with respect to the person or premises to be licensed.

(2) The person making an application under this section shall when making the same pay to the Council such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant of a licence	2	2	0
(b) in respect of an application for the renewal of a licence	1	1	0

and the fees paid on any application for the grant or renewal of a licence may be retained by the Council whether such licence is or is not granted or renewed.

(3) Subject to the foregoing provisions of this section the Council may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

PART XIV.
—cont.
Council to
grant licences.

381.—(1) The Council shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the nature of the business carried on at the address and generally for securing the proper conduct of the business:

Provided that the Council may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years; or
- (b) to any person who may be unsuitable to hold such licence; or
- (c) in respect of any premises which are unsuitable for the purposes of an employment agency; or
- (d) in respect of any employment agency which has been or is being improperly conducted; or
- (e) in respect of any establishment which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) The Council shall not either refuse to renew or revoke a licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice that objections have been or will be taken to such renewal or that a revocation is proposed and unless on written application made within three days after the receipt of such notice they shall have afforded to the applicant an opportunity of being heard against such refusal or revocation.

Any notice served under this subsection shall notify the effect of subsection (4) of this section and the right of appeal conferred by this section.

(3) Every licence granted or renewed under this Part of this Act shall (unless revoked) be valid for a period of one year except that a licence granted or renewed otherwise than at any annual meeting fixed by the Council for the purpose of considering applications under this Part of this Act shall only be valid until the thirty-first day of December next after the date of such grant or renewal.

(4) If the Council refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(5) Any person aggrieved by such a refusal or revocation may appeal to a court of summary jurisdiction. PART XIV.
—cont.

(6) On any such appeal the court may after considering any representations made by the Council by order either confirm the refusal or revocation or allow the appeal and direct the Council to grant or renew a licence and the Council shall comply with any such direction.

382.—(1) The Council may make byelaws—

Byelaws
as to
employment
agencies.

(a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his employment agency;

(b) prescribing the entries to be made in connection with such business in such books cards or forms;

(c) for preventing fraud and immorality in the conduct of employment agencies; and

(d) generally for regulating any premises used for the purposes of or in connection with any such agency.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Council) in the premises to which the licence relates a copy of the byelaws made under this section.

383. Any officer of or other person duly authorised by the Council in that behalf may— Powers of
entry and
inspection
by Council.

(1) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which such officer or person has reasonable cause to believe are used for the purposes of or in connection with an employment agency; and

(2) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

384. Every person who—

Penalties.

(a) carries on an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or

(b) refuses to permit any officer of or person duly authorised by the Council to enter or inspect any such premises as are referred to in the last preceding section of this Act or the books cards or forms kept

PART XIV.
—cont.

in connection with the employment agency carried on therein or obstructs any such officer or person in the execution of this Part of this Act; or

- (c) acts or offends against any byelaw made under this Part of this Act or any of the provisions of this Part of this Act for the contravention of which no penalty is by this section specifically provided;

shall be liable—

- (i) in respect of an offence under paragraph (a) of this subsection to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds; and

- (ii) in respect of an offence under paragraph (b) or paragraph (c) of this subsection to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings;

and in respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

PART XV.

MENTAL HOSPITALS.

Application
of Lunacy
and Mental
Treatment
Acts.

385. Subject to the provisions of this Part of this Act the Council—

- (1) shall hold all property;
(2) may exercise all powers rights and privileges; and
(3) shall be subject to all duties obligations and liabilities;

transferred to vested in or imposed upon them by virtue of Part VI of the Act of 1938 so far as applicable in like manner as if they were a visiting committee under the Lunacy and Mental Treatment Acts 1890 to 1930 and such powers rights privileges duties obligations and liabilities are in this Part of this Act referred to as "the transferred functions."

Mental
hospitals
committee
of Council.

386.—(1) The Council shall continue to appoint a committee for the purposes of the Lunacy and Mental Treatment Acts 1890 to 1930 (in this Part of this Act referred to as "the mental hospitals committee") and subject to the provisions of this section section 85 of the Act of 1933 shall apply to the committee.

(2) The mental hospitals committee shall if the Council so determine be deemed to be a committee for the care of the mentally defective for the purposes of the Mental Deficiency Acts 1913 to 1927 and if they do not so determine the Council may (if they think fit) refer to the mental hospitals committee

any of the matters which under those Acts stand referred to the committee for the care of the mentally defective and in which the mental hospitals committee are also concerned.

(3) Except as otherwise provided in this section all matters exclusively relating to the exercise and performance by the Council of the transferred functions shall stand referred to the mental hospitals committee and the Council before exercising or performing any such functions shall unless in their opinion the matter is urgent receive and consider the report of the mental hospitals committee with respect to the matter in question.

(4) The Council may refer to any committee of the Council other than the mental hospitals committee any matter arising out of or incidental to the transferred functions which by reason of its relating also to any other service of the Council ought in the opinion of the Council to be so referred and the provisions of subsection (3) of this section shall not apply with reference to any matter which is so referred or to the exercise of any of the said functions so far as they relate to that matter.

(5) The Council may refer to the mental hospitals committee any matter other than matters which are required to stand referred to that committee which the Council think would be better regulated and managed by that committee except any matter which is required to stand referred to another committee.

(6) The Council may delegate to any committee of the Council (including the mental hospitals committee) with or without any restrictions or conditions as they think fit any functions in relation to matters which under the provisions of this section are required to stand referred or are referred to such committee except the power of levying or issuing a precept for a rate or of borrowing money.

(7) (a) A sub-committee of the mental hospitals committee may subject to any directions of the Council consist wholly or if the committee with the approval of the Council think fit partly of members of the committee:

Provided that at least two-thirds of every sub-committee shall be members of the Council or of the mental hospitals committee.

(b) The mental hospitals committee may delegate to any sub-committee appointed by them such of the functions delegated to the committee under this section as the committee with the approval of the Council think fit.

(8) Two members at least of the mental hospitals committee shall be women and one member at least of every sub-committee appointed by the mental hospitals committee shall be a woman.

PART XV.

—cont.

Construction
&c. of Lunacy
and Mental
Treatment
Acts 1890 to
1930 and
other Acts.

387.—(1) The obligation under the Lunacy and Mental Treatment Acts 1890 to 1930 to appoint a visiting committee shall not apply to the Council and for the purpose of the application of those Acts or any other Act (including this Act) to the Council—

(a) references to a visiting committee shall be construed as references to the Council; and

(b) references to members of a visiting committee or to visitors of an asylum or to visitors (so far as the last two expressions relate to members of a visiting committee) shall be construed as references to members of the mental hospitals committee.

(2) Any proceedings or things which under the Lunacy and Mental Treatment Acts 1890 to 1930 may be taken or done by or to a clerk of a visiting committee may be taken or done by or to the clerk of the Council as though he were a clerk of a visiting committee and all penalties recovered in any such proceedings shall be paid to the Council.

Modifications
of existing
Acts.

53 & 54 Vict.

c. 5.

9 Edw. 7. c. 48.

20 & 21 Geo. 5.

c. 23.

388.—(1) The following provisions of the Lunacy Act 1890 of the Asylums Officers' Superannuation Act 1909 and of the Mental Treatment Act 1930 (whether as originally enacted or as applied by any other Act) shall to the extent in this section specified cease to apply to the Council or to any committee of the Council:—

LUNACY ACT 1890.

Number of section.	Extent to which section is to cease to apply.
169 171 172 173 176 190	} The whole of the sections.
254	
255	Subsection (3): The words "with the consent of each local authority by whom the asylum is provided and".
258	The words "of the local authority by whom they are appointed and".
261	The words "with the sanction of each local authority for whom they are authorised to act".
266	The whole section.
271	The words "carrying to the building and repair funds such sums and" in subsection (2).
278	Subsections (1) (2) and (3).
283	Subsection (4).
284	The words "subject to any direction given by the local authority."
326	Paragraph (c).

ASYLUMS OFFICERS' SUPERANNUATION ACT 1909.

PART XV.
—cont.

Number of section.	Extent to which section is to cease to apply.
1	The words "with the consent of the local authority".
4	The words "with the consent of the local authority".

MENTAL TREATMENT ACT 1930.

Number of section.	Extent to which section is to cease to apply.
7	The whole section.

(2) (a) Section 276 of the Lunacy Act 1890 shall be read and have effect as if for the word "clerk" in paragraph (d) of subsection (1) thereof there were substituted the words "clerk of the hospital" and as if paragraph (e) of that subsection were omitted.

(b) Subsection (3) of section 276 and section 278 of the Lunacy Act 1890 shall be read and have effect as if the word "treasurer" were omitted.

(3) (a) In lieu of subsections (1) (2) and (3) of section 278 of the Lunacy Act 1890 (whether as originally enacted or as applied by any other Act) the following provisions shall have effect:—

The Council shall keep an account of the income and expenditure on account of each of the mental hospitals provided or maintained by them and before the thirtieth day of November in each year or such other date as the Minister may appoint shall send an abstract of the account for the year ending on the previous thirty-first day of March or such other date as the Minister may appoint to the Minister and to the Board of Control constituted under the Mental Deficiency Act 1913.

3 & 4 Geo. 5.
c. 28.

(b) Subsections (4) (5) (6) and (7) of the said section 278 shall have effect as if the said provisions formed part of that section and as if for references to the Local Government Board there were substituted reference to the Minister.

389.—(1) Every officer transferred to the Council by Part VI of the Act of 1938 shall hold his office by the same tenure and upon the same terms and conditions as if that Part of that Act had not been passed and while performing analogous duties to those which he was required to perform immediately before the first day of April nineteen hundred and thirty-nine (in this Part of this Act referred to as "the appointed day").

PART XV.
—cont.

shall receive not less emoluments and be entitled to not less superannuation allowance (if any) than the emoluments or superannuation allowance to which he would have been entitled if Part VI of the Act of 1938 had not been passed.

(2) Every officer so transferred who on the appointed day was an established officer within the meaning of the Asylums Officers' Superannuation Act 1909 shall while performing analogous duties to those which he was required to perform immediately before the appointed day continue to be an established officer within the meaning of that Act and the provisions of that Act shall continue to apply to him accordingly as if he had removed to another mental hospital with the written sanction of the visiting committee of the hospital from which he removed.

(3) The Council may distribute the business to be performed by the officers transferred to them by Part VI of the Act of 1938 in such manner as the Council may think proper and every such officer shall perform such duties in relation to that business as may be directed by the Council and the Council may abolish the office or determine the appointment of any officer.

Compensation
to existing
officers and
servants.

390.—(1) Every officer in office at the appointed day who held office under the visiting committee of the Council on the twenty-seventh day of November nineteen hundred and thirty-seven and who by virtue of Part VI of the Act of 1938 or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment (otherwise than for misconduct) or by diminution or loss of emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Council.

(2) The provisions of subsections (2) to (5) of section 150 of the Act of 1933 and of the Fourth Schedule to that Act shall apply as if—

- (a) this Part of this Act were an order made under Part VI of that Act; and
- (b) the expression "existing officer" meant any officer of a visiting committee transferred to the Council by virtue of section 130 of the Act of 1938.

Definitions.

391. For the purposes of this Part of this Act and the enactments thereby applied—

- the expression "officer" includes a servant;
- the expression "emoluments" has the meaning assigned to that expression by section 305 of the Act of 1933;
- and

the expression "visiting committee" includes any sub-committee of a visiting committee.

PART XV.
—cont.

392. All rules and regulations in force at the commencement of this Act made by any visiting committee of the county shall unless they are or have been determined by a resolution of the Council continue in operation and shall be observed and may be enforced as fully and effectually by the Council as they were before the appointed day observable and enforceable by such visiting committee. Saving for existing rules and regulations.

393.—(1) The Council may (if they think fit) make a scheme for the formation and administration of a mental hospitals and certified institutions superannuation fund for the payment of the superannuation allowances to officers employed by the Council to whom the Asylums Officers' Superannuation Act 1909 or the Asylums and Certified Institutions (Officers' Pensions) Act 1918 apply. Mental hospitals and certified institutions superannuation fund.
8 & 9 Geo. 5.
c. 33.

(2) Any such scheme may—

- (a) provide for the payment into such superannuation fund of the percentage amounts of salaries or wages and emoluments deducted under the said Acts and of sums received from other authorities in respect of proportions of pensions payable by them or otherwise and of the dividends and interest arising out of the investment or use of the fund;
- (b) provide for the periodical investigation of the fund by an actuary and for the payment into the fund of such sum as may be required in order that the fund may be solvent;
- (c) contain such incidental consequential or supplemental provisions as may appear necessary or proper.

394. Nothing in this Part of this Act shall affect—

- (1) the provisions of the Lunacy and Mental Treatment Acts 1890 to 1930 relating to agreements to unite or any provisions of those Acts which apply when an agreement to unite has been entered into; or
- (2) the provisions of the Mental Deficiency Acts 1913 to 1938 relating to the joint exercise and performance of all or any of the powers under those Acts by two or more local authorities;

Saving for agreements to unite &c.

and those provisions shall continue to have effect as if this Part of this Act had not been passed.

PART XVI.

ADMINISTRATION OF JUSTICE.

Salaried
Chairman
and salaried
deputy
chairman of
quarter
sessions.

395.—(1) The Council (if they think fit) may undertake to pay to a salaried chairman or salaried deputy chairman of Middlesex quarter sessions—

- (a) if after five years his office is vacated on the termination of his appointment; or
- (b) if he resigns after fifteen years' service and at the time of retirement had attained the age of sixty-five years;

a superannuation allowance to be ascertained in accordance with a scheme to be prepared by the Council from time to time and approved by the Lord Chancellor.

In this subsection the expression "service" includes service as a salaried chairman and service as a salaried deputy chairman of quarter sessions.

(2) When a salaried chairman or salaried deputy chairman is in office the following provisions shall have effect:—

- (a) In its application to the county section 98 of the Act of 1933 (which relates to the appointment of a clerk of a county council) shall have effect as if for references to the chairman or in his absence the deputy chairman of quarter sessions there were substituted references to the standing joint committee;
- (b) In their application to the county the provisions of the Local Government (Clerks) Act 1931 relating to a clerk of the peace or a deputy clerk of the peace and the appointment of those officers shall have effect as if for references to the court of quarter sessions there were substituted references to the standing joint committee;
- (c) Notwithstanding anything in any other enactment if and so long as the office of clerk of the peace for the county is not held by the clerk of the Council and is held by a person who holds in conjunction therewith some office under the Council the Council shall appoint such officers and servants as they may think necessary to assist the clerk of the peace in carrying out his duties and if and so long as the office of clerk of the peace is held by a person who devotes his whole time to the duties of the office the standing joint committee shall appoint such officers and servants as they may think necessary to assist him in carrying out his duties.

The officers and servants appointed in pursuance of this provision shall hold office during the pleasure of the Council or committee by whom they are appointed.

(3) When any person other than the salaried chairman or the salaried deputy chairman is appointed to preside at any sessions of the Middlesex quarter sessions in pursuance of subsection (5) of section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1938 the Council shall pay to him by way of remuneration such sum for every day upon which he sits as the Middlesex justices with the approval of the Lord Chancellor may determine.

PART XVI.
—cont.1 & 2 Geo. 6.
c. 63.

396. Notwithstanding the repeal of subsections (2) (6) and (7) of section 90 of the Act of 1934 those provisions shall continue to apply to the chairman of quarter sessions appointed before the commencement of the Administration of Justice (Miscellaneous Provisions) Act 1938 and the last preceding section shall apply to him subject to the modification that in paragraph (a) of subsection (1) thereof for the words "on the termination of his appointment" there shall be substituted the words "in pursuance of section 90 of the Act of 1934."

Saving for
present
chairman.

397. The unrepealed provisions of the County of Middlesex (Petty Sessional Divisions and Justices' Clerks) Orders 1938 and 1941 made by the Secretary of State in pursuance of section 57 (Further provisions as to petty sessional divisions and justices' clerks in Middlesex) of the London and Middlesex (Improvements &c.) Act 1936 shall continue to have effect and those orders may be altered amended or revoked by an order in like manner as if the said section 57 had not been repealed.

Petty
sessional
divisions
and justices'
clerks.26 Geo. 5. &
1 Edw. 8.
c. cviii.

398.—(1) The clerk to justices for each petty sessional division in the county shall by virtue of his office be the collecting officer for that division for the purposes of the Affiliation Orders Act 1914 and shall without separate remuneration carry out the duties of collecting officer as part of his duties as clerk to justices and accordingly the provisions of subsection (1) of section 1 of the said Act shall in relation to the justices for the county have no effect.

Duties of
clerks to
justices.4 & 5 Geo. 5.
c. 6.

(2) Where a court of summary jurisdiction has either before or after the commencement of this Act made an order for the periodical payment of money by one person to another and has directed that the payment shall be made through or to an officer of a court of summary jurisdiction acting for a petty sessional division of the county the direction shall have effect as if it were a direction for payment through or to the clerk to justices for that division.

(3) In addition to their power to appoint clerks to justices and their assistants under the orders referred to in the last foregoing section or any order made under that section the standing joint committee shall have power to appoint such officers and servants as may be required for the purposes of that section or of any such order,

PART XVII.

SUPERANNUATION.

Interpre-
tation of
Part XVII.1 Edw. 8. &
1 Geo. 6. c. 68.

399.—(1) In this Part of this Act unless the subject or context otherwise requires—

“ the Act of 1937 ” means the Local Government Superannuation Act 1937;

words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings;

“ the appointed day ” means the first day of April nineteen hundred and thirty-nine;

“ existing employees ” means subject to the provisions of this Part of this Act persons whether employed by the Council or not who immediately before the appointed day were contributing to the superannuation fund maintained under the Act of 1934;

“ the superannuation fund ” means the superannuation fund maintained by the Council under the Act of 1937;

“ the actuary ” means an actuary being a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by the Council for the purposes of this Part of this Act;

“ the order of 1938 ” means the County of Middlesex (Petty Sessional Divisions and Justices' Clerks) Order 1938;

“ the justices ” means the justices of the peace acting in and for all or any of the petty sessional divisions of the county as the case may require;

“ the justices' clerks ” means the clerks to the justices and “ justices' clerk ” means the clerk to the justices for any one of the said petty sessional divisions.

(2) The clerk of the peace and the deputy clerk of the peace of the county and employees of the standing joint committee shall for the purposes of the Act of 1937 and of this Part of this Act be deemed to be employed by the Council.

(3) All persons whether employed by the Council or not who immediately before the appointed day were contributing to a superannuation fund of the Council shall be deemed to be contributory employees of the Council.

(4) For the purposes of this Part of this Act a person (not being an existing employee) shall not be deemed to be in established employment unless his employment is or has been approved as being established by the Council and also by the body by whom he is employed if other than the Council.

(5) An existing employee who prior to the appointed day was contributing to the superannuation fund of the Council at a rate of five per centum of his remuneration shall be deemed to be a designated employee for the purposes of paragraph (a) of subsection (1) of section 6 and if contributing not less than five per centum for the purposes also of subsection (1) of section 31 of the Act of 1937.

400. Subject to the provisions contained in this Part of this Act the provisions of the Act of 1937 shall apply to the Council and to persons contributing to or for the time being entitled to participate in the benefits of the superannuation fund and the Council shall be deemed not to be and since the appointed day not to have been a local Act authority for the purposes of that Act. Application
of Act of 1937.

401. Notwithstanding anything contained in this Part of this Act or in the Act of 1937 the following persons (namely):— Medical
examination.

- (a) a person belonging to any of the classes mentioned in section 402 (Contributory employees) of this Act;
- (b) a person belonging to a class specified by a statutory resolution under paragraph (b) of subsection (2) of section 3 of the Act of 1937; and
- (c) a person in the employment of the standing joint committee other than the clerk or deputy clerk of the peace if such clerk or deputy clerk is also in the service of the Council;

shall not become a contributory employee within the meaning of the Act of 1937 unless he has been or is hereafter approved as a contributor to the superannuation fund by the Council after such medical examination of such person as the Council may from time to time direct:

Provided that this section shall not apply to an existing employee unless after the appointed day there has been or shall be a break in his service by his voluntary resignation.

402.—(1) The Council shall be deemed to have passed a statutory resolution specifying the following persons as classes the members of which are to be contributory employees:—

- (a) Every employee of the Council who is not an officer and who has attained the age of eighteen years and who is paid wages by and is in the whole-time established employment of the Council;
- (b) Supplementary teachers in whole-time established employment in non-provided schools in the part of the county for which the Council are for the time being the local education authority for the purposes of elementary education.

PART XVII
—cont.

- (c) Caretakers and cleaners in whole-time established employment in non-provided schools or in those schools and provided schools in the part of the county for which the Council are for the time being the local education authority for the purposes of elementary education;
- (d) All persons other than teachers employed in whole-time established service in any endowed secondary school in the county wholly or partly maintained by the Council;

and the consent of the managers of the schools referred to in the foregoing paragraphs (b) and (c) shall be deemed to have been given:

Provided that—

- (i) When Part II of the Education Act 1944 comes into operation in the county or in reference to any school in the county which is an aided school paragraphs (b) (c) and (d) of this subsection shall have effect as if aided schools were therein mentioned instead of non-provided schools or endowed secondary schools;
- (ii) If an endowed secondary school or aided school ceases to be wholly or partly maintained by the Council any person referred to in paragraph (d) of this subsection who shall have contributed to the superannuation fund and who before such cesser shall not have become entitled to receive a superannuation allowance shall if he does not become a contributory employee within twelve months after such cesser have returned to him on his request the amount of the contributions made by him together with compound interest thereon calculated to the date of such return at the rate of three per centum per annum by half-yearly rests;
- (iii) Any of the persons referred to in paragraphs (b) (c) and (d) of this subsection who immediately before the appointed day was contributing to the superannuation fund maintained by the Council under the Act of 1934 shall not be entitled to reckon as service any service prior to that day which he would not have been entitled to reckon as service had Part XI of the Act of 1934 remained in force.

(2) Notwithstanding anything to the contrary in the Act of 1937 or in this Part of this Act the following provisions shall apply to persons referred to in paragraph (d) of the foregoing subsection and to those persons referred to in paragraphs (b) and (c) who will be employed in aided schools but who before the commencement of this Act were not employed in non-provided schools in that part of the county

for which the Council were at the commencement of this Act the local education authority for the purposes of elementary education:—

PART XVII.
—cont.

(a) All questions as to the grant of superannuation allowances and gratuities to any of such persons shall be under the sole control of the Council;

(b) When a superannuation allowance or gratuity is granted to any of such persons or a gratuity annuity or pension is granted to the widow or children of any of such persons the governors or managers or any other persons having control of the school at which he was employed shall not make any payment to him out of any funds to which the Council make any grant or contribution.

(3) The persons who are referred to in subsection (1) of this section shall be contributory employees for the purposes of the Act of 1937 as amended by this Part of this Act and the persons who are referred to in paragraphs (b) (c) and (d) of that subsection and who immediately before the appointed day were contributing to the superannuation fund maintained under the Act of 1934 shall subject to the provisions of this section be deemed to be existing employees.

403.—(1) Subject to the provisions of this section and notwithstanding anything contained in subsection (1) of section 6 of the Act of 1937 the percentage of his remuneration which shall be payable by way of contribution to the superannuation fund by an existing employee or by any person who immediately before the appointed day was—

Contributions
of existing
employees.

(a) contributing to the superannuation fund maintained by the Council under the Middlesex County Council (Transferred Poor Law Officers) Superannuation Scheme 1930; or

(b) in the employment of the Council and contributing to the superannuation fund maintained by the Middlesex Local Authorities Joint Superannuation Committee;

shall be the same as the percentage which was payable by him by way of contribution to a superannuation fund immediately before the appointed day.

(2) The percentage of his remuneration which shall be payable by way of contribution to the superannuation fund by any person who immediately before the appointed day was a transferred poor law employee of the Council and to whom the provisions of Part I of the Second Schedule to the Act of 1937 apply shall be the percentage stated in those provisions.

PART XVII.
—cont.
Scales of
allowances.

404.—(1) The provisions of this section shall apply instead of subsections (2) (3) (4) and (7) of section 8 of the Act of 1937 to the contributory employees of the Council except—

- (a) those employees to whom section 115 (As to certain officers in service at 1st August 1930) of the Act of 1934 as set out in the Sixth Schedule to this Act applies; and
- (b) persons contributing to the superannuation fund at a rate less than five per centum of their remuneration.

(2) Subject to the provisions of this section the superannuation allowance to be made by the Council to a contributory employee to whom this section applies shall comprise an annual allowance during life and a cash payment on the following scale:—

- (a) In respect of every completed year of contributing service—

- (i) an annual allowance of one eightieth of his average remuneration as defined in subsection (5) of section 8 of the Act of 1937 (in this section called “ average remuneration ”); and

- (ii) a cash payment calculated at the rate of one-thirtieth of his average remuneration;

- (b) In respect of every year of non-contributing service—

- (i) an annual allowance of one one-hundred-and-sixtieth of his average remuneration; and

- (ii) a cash payment calculated at the rate of one-sixtieth of his average remuneration.

(3) In regard to a contributory employee to whom this section applies no annual superannuation allowance shall exceed one-half of and no cash payment shall exceed one and a half times the employee's average remuneration.

(4) The allowances and cash payments referred to in this section shall be deemed to be superannuation allowances within the meaning of the Act of 1937 and of this Part of this Act.

(5) A contributory employee to whom this section applies shall be entitled if he pays a sum or sums calculated in such manner and payable at such time or times as are prescribed by regulations made by the Minister under proviso (ii) to paragraph (b) of subsection (2) of section 8 of the Act of 1937 to receive in respect of any year of non-contributing service a prescribed fraction of his average remuneration larger than one one-hundred-and-sixtieth but not exceeding one-eightieth in respect of the annual allowance during life and larger than one-sixtieth but not exceeding one-thirtieth in respect of the cash payment.

(6) In the case of any particular employee to whom this section applies the Council may on his becoming entitled to a superannuation allowance resolve that there shall be substituted for the said fractions of one one-hundred-and-sixtieth and one-sixtieth any larger fraction not exceeding one-eightieth and one-thirtieth respectively but any extra charge resulting from any such resolution shall be repaid to the superannuation fund by the Council.

(7) For the purposes of subsection (2) of this section—

- (a) an employee's contributing service shall be calculated by aggregating all periods of such service;
- (b) his non-contributing service shall be calculated by deducting from his service calculated in accordance with subsection (6) of section 8 of the Act of 1937 all completed years of contributing service;
- (c) if his non-contributing service as so calculated includes a fraction of a year that fraction shall if it amounts to or exceeds six months be treated as a year and in any other case be disregarded; and
- (d) in the case of an existing employee if his contributing service includes a fraction of a year exceeding six months it shall be treated as a completed year.

405. Where an existing employee who was in the service of the Council prior to the first day of August nineteen hundred and twenty-seven would have been entitled under Part XI of the Act of 1934 to receive full rates of superannuation allowance in respect of his non-contributing service the non-contributing service of such employee shall be deemed to be contributing service—

Non-contributing service of certain officers.

(i) for the purposes of ascertaining the amount of any superannuation allowance payable to him by the Council; and

(ii) for the purposes of section 410 (Return of contributions in case of death) of this Act;

but shall not for any other purpose be regarded as contributing service and if his contributory service includes a fraction of a year exceeding six months it shall be treated as a completed year:

Provided that except with the consent of the Council this section shall not apply to any such employee if there is or since the appointed day has been a break in his service by reason of his voluntary resignation.

406. In their application to the Council and their employees and other persons contributing to the superannuation fund the regulations made by the Minister under the Act of 1937 may on the application of the Council be modified by him in such manner as he may think fit.

Modification of regulations under Act of 1937.

PART XVII.

—cont.

Increase of
allowance
in special
cases.

407.—(1) The Council may on the retirement from service of any contributory employee possessing professional or other peculiar qualifications not ordinarily to be acquired in such service and of special value therein by a specific resolution direct that such number of years (not exceeding ten) as the Council shall by such resolution specify be added to the actual number of years of contributing or non-contributing service of such employee for the purpose of calculating his superannuation allowance.

(2) Any addition to a superannuation allowance resulting from any such resolution shall be repaid to the superannuation fund by the Council.

Gratuities.

408.—(1) Subsection (2) of section II of the Act of 1937 shall apply to a contributory employee who has not attained the age of compulsory retirement applicable in his case and who ceases to be employed by the Council in consequence of his being permanently incapacitated by disease acquired by him in consequence of his duty and without his own default and specifically attributable to the nature of his duty.

(2) The Council may if they think fit on the death of any contributory employee either while in their service or within twelve months after he shall have retired from such service and provided that no grant shall have been made under section II of the Act of 1937 or subsection (1) of this section grant to his widow or children or to any dependant of such employee such gratuity as the Council may determine not exceeding a sum equal to one year's salary of such employee at the time of his death or retirement and such gratuity may consist of a lump sum or of periodical payments:

Provided that a resolution to make a grant under this subsection shall not be passed more than twelve months after the date on which the notification of the death of the employee is received by the Council.

(3) If the salary or wages of any person referred to in this section or in the next succeeding section is reduced on account of his absence from employment through sickness or ill-health at any time during the period of one year before his retirement or death his salary or wages at the time of his retirement or (as the case may be) at the time of his death shall for the purposes of those sections be deemed to be his salary or wages immediately before such reduction or (if there be more than one) immediately before the first such reduction.

Gratuities to
employees
and their
dependants.

409. The Council may if they think fit—

(a) grant to any person in the service of the Council who is not entitled to a superannuation allowance or repayment of contributions to any superannuation

or other fund under the provisions of this Act or of any other enactment on his retiring from service such gratuity as the Council may determine not exceeding a sum equal to one year's salary or wages of such person at the time of his retirement;

- (b) on the death of any such person while in the service of the Council grant to his widow or children or to any dependant of such person such gratuity as the Council may determine not exceeding a sum equal to six months' salary or wages of such person at the time of his death:

Provided that a resolution to make a grant under this section shall not be passed more than twelve months after the retirement of such person from the employment of the Council or in the case of his death twelve months after the date on which the notification of his death is received by the Council:

Provided also that the powers of this section shall not be exercised in respect of any person to whom a gratuity can be granted by the Council under section 11 of the Act of 1937 or under the last foregoing section.

410.—(1) In the case of a contributory employee who dies after having contributed to the superannuation fund at a rate of not less than five per centum of his remuneration for the five years immediately preceding his death the sum to be received by his personal representative under subsection (3) of section 10 of the Act of 1937 shall not be less than a sum calculated at the rate of one-thirtieth of the average amount of his remuneration during the five years immediately preceding his death for each year of his service with a minimum of thirty-thirtieths but this subsection shall not apply to an employee to whom section 115 of the Act of 1934 applies.

Return of
contributions
in case of
death.

(2) If in consequence of his incapacity to continue to discharge the duties of his office an employee to whom subsection (1) of this section applies suffered a reduction of remuneration during the five years therein mentioned the average amount of his remuneration shall for the purposes of that subsection be deemed not to have been reduced.

(3) In the case of an employee—

- (a) to whom subsection (1) of this section applies; and
(b) who had given notice under section 110 (Annuities for widows) of the Act of 1934 and whose superannuation allowance had been reduced in pursuance of that section or who had surrendered a part of his superannuation allowance in accordance with rules made under section 9 of the Act of 1937; and
(c) whose spouse survives;

PART XVII.
—cont.

no sum shall be payable to his personal representatives under subsection (1) of this section or under subsection (3) of section 10 of the Act of 1937 until the death of the spouse and subsection (1) of this section and the said subsection (3) shall have effect as if any payments to the spouse by way of annuity or pension had been payments to the employee by way of superannuation allowance.

Reckoning
contributing
and non-
contributing
service in
certain cases.

411.—(1) Where a contributory employee had under section 95 (Previous service of new entrants) of the Act of 1934 or under that section as applied by section 116 (Non-contributory services of existing officers) or by section 123 (Transferred officers) or by section 119 (Superannuation of certain poor law officers) of that Act paid before the appointed day part but not the whole of a sum payable thereunder account shall for the purposes of section 12 of the Act of 1937 be taken of the service by reference to the regulations made by the Minister under subsection (4) of that section but this provision shall not operate to the detriment of an existing employee.

(2) In any case in which the Council are of opinion that owing to war-time conditions it has been difficult for an employee to whom the provisions mentioned in subsection (1) of this section apply to pay the whole of the sum payable thereunder within the period of five years mentioned in the said section 95 the Council may allow an extension of that period but if an employee in respect of whom an extension of the period has been allowed leaves the service of the Council before the whole of such sum has been paid he shall thereupon pay to the Council the amount unpaid.

Joint
appointments.

412.—(1) When making any joint appointment of two or more employees the Council shall determine the remuneration to be paid to each of such employees and when a joint appointment is made by any other body of two or more employees who will become contributory employees such body shall determine the remuneration to be paid to each of them.

(2) In regard to a joint appointment already made of two or more employees to whom a combined remuneration is paid the Council or the body by whom the appointment was made shall determine the apportionment of such remuneration between such employees unless such determination has already been made and the amount apportioned to each such employee shall be deemed to be his remuneration for the purposes of the Act of 1937 and of this Part of this Act.

Liabilities
to former
superannua-
tion funds.

413. Any outstanding or continuing liabilities of any authority or individual to the superannuation funds formed under the Act of 1934 or the enactments thereby repealed or

under the Middlesex County Council (Transferred Poor Law Officers) Superannuation Scheme 1930 the balances whereof were transferred to the superannuation fund pursuant to section 146 (Closing of superannuation funds) of the Act of 1938 shall be deemed to be liabilities to the superannuation fund.

PART XVII.
—cont.

414.—(1) Subsections (1) and (2) of section 22 of the Act of 1937 shall not apply to the Council and the amounts to be carried and credited in each year to the superannuation fund in pursuance of paragraph (d) of subsection (2) of section 21 of the Act of 1937 shall be the following deficiency contributions (namely):—

- (a) the amount which was certified by the actuary in pursuance of section 70 (Further contribution to superannuation fund) of the Act of 1928 as necessary in order that the superannuation fund therein referred to might be solvent;
- (b) the amount which was certified by the actuary in pursuance of section 50 (Additional payments into superannuation fund) of the Act of 1930 as necessary in consequence of the provisions contained in Part VII of that Act;
- (c) the amount which was certified by the actuary as necessary in consequence of the provisions of Part XI of the Act of 1934; and
- (d) the amount which may be certified by the actuary as necessary in consequence of the provisions of Part VII of the Act of 1938;

with such variations of such certificates as the actuary may approve from time to time.

(2) Until—

- (a) the next actuarial valuation of the assets and liabilities of the superannuation fund has been completed; or
- (b) the actuary has certified the amount necessary in consequence of the provisions of Part VII of the Act of 1938;

whichever first happens the Council shall have power and since the appointed day they shall be deemed to have had power to make contributions to the fund in consequence of the provisions of the said Part VII but a contribution made under this subsection in the year ending the thirty-first day of March nineteen hundred and forty-five or in any subsequent year shall not exceed twenty-five thousand pounds except with the Minister's approval.

PART XVII.

—cont.

As to clerk
of Council
clerk and
deputy clerk
of peace.

415.—(1) Notwithstanding anything contained in the Local Government (Clerks) Act 1931 or in the Act of 1933 this Part of this Act shall apply to a person who holds the office of clerk of the Council or clerk of the peace of the county and whether he be appointed to both offices or either office and to a person who holds the office of deputy clerk of the peace if their respective service as clerk of the Council clerk or deputy clerk of the peace or such service together with any service under the Council constitute whole-time service.

(2) Section 401 (Medical examination) of this Act shall not apply to a person in service under the Council who is appointed clerk or deputy clerk of the peace.

(3) In the case of a person who holds the office of clerk or deputy clerk of the peace of the county and also holds office in service under the Council a resolution of the Council under section 7 of the Act of 1937 to extend the period of his service shall not have effect unless a similar resolution is passed by the committee who in the case of a vacancy occurring in the office of clerk or deputy clerk of the peace would be responsible for appointing a person to fill the vacancy and in the case of a person who holds the office of clerk or deputy clerk of the peace of the county and holds no office in service under the Council the last-mentioned committee shall for the purpose of exercising the powers of subsection (1) of the said section 7 be substituted for the Council.

(4) The Council in the exercise of the powers of subsection (4) of section 10 of the Act of 1937 shall not return to an officer who held the office of clerk of the peace or deputy clerk of the peace or pay to his wife or family any of his contributions made in respect of his salary as clerk of the peace or deputy clerk of the peace except with the consent of the committee referred to in subsection (3) of this section.

(5) The provisions of this section shall not prejudice the rights of the persons who held the offices therein referred to on the appointed day.

As to certain
additional
appointments.

416. In the case of any person who holds any office under the Council other than the clerk and in addition to such office is appointed to the office of clerk or deputy clerk of the peace for the purpose of determining the amount of the contributions to be made by and in respect of him and of calculating the amount of any superannuation allowance payable to him his salary in respect of the office to which he was appointed by the Council shall be deemed to be increased by an amount equal to his salary as clerk or deputy clerk of the peace as the case may be (including any payments made to him as such for his own use) so however that if any such person—

(a) continues to hold the office of clerk or deputy clerk of the peace after he has ceased to hold the office to which he was appointed under the Council; or

(b) continues to hold such office under the Council after he has ceased to hold the office of clerk or deputy clerk of the peace;

PART XVII.
—cont.

any superannuation allowance payable to him in respect of any period during which he continues to hold only the office of clerk or deputy clerk of the peace or continues to hold only the office to which he was appointed under the Council shall be of such amount only as would have been payable to him but for the provisions of this section.

417. A person who while holding both the office of clerk of the Council and clerk of the peace voluntarily resigns one of these offices and who under the provisions of the Local Government (Clerks) Act 1931 or the Act of 1933 is thereby deemed to have vacated the other office shall for the purposes of the Act of 1937 be deemed in such circumstances to have voluntarily resigned the other office.

Tenure and
vacation of
office.

418.—(1) For the purposes of the Act of 1937 and this Part of this Act a justices' clerk shall be deemed to be a whole-time officer of the standing joint committee if he devotes substantially the whole of his time either to the service of the committee or to such service in conjunction with service of the council of another local authority or of the Commissioners of Income Tax and the provisions of the Act of 1937 and of this Part of this Act shall have effect in relation to him and in relation to a person appointed to assist a justices' clerk in the performance of his duty subject to the modifications set out in the Fifth Schedule to this Act.

Justices'
clerks.

(2) Section 20 of the Act of 1937 and Part III of the Second Schedule to that Act shall not apply in relation to a justices' clerk or a person appointed to assist a justices' clerk.

419.—(1) The provisions of this Part of this Act (except section 408 (Gratuities) and this section) shall not apply to the employees referred to in article 12 of the Middlesex Districts Joint Small-pox Hospital Order 1929 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 1) Act 1929) who on the appointed day were in the employment of the Council and became contributory employees of the Council pursuant to section 158 (Employees at small-pox hospitals) of the Act of 1938.

Employees
of former
small-pox
board.
19 Geo. 5.
c. vi.

(2) The liability of the Council to make payments into the superannuation fund maintained by the Middlesex Local Authorities Joint Superannuation Committee shall extend to so much only of the equal annual charge certified by the actuary under subsection (1) of section 18 of the Local Government and other Officers' Superannuation Act 1922 as has been or may be certified by an actuary in respect of

12 & 13 Geo. 5.
c. 59.

PART XVII.
—cont.

officers and servants who were receiving superannuation allowances from the said committee prior to the appointed day and if any question shall arise between the Council and the said committee under this subsection it shall be determined by the Minister.

As to certain transferred officers.

420.—(1) The provisions of this Part of this Act (other than section 408 (Gratuities) and this section) shall not apply to any person transferred after the passing of this Act to the service of the Council in pursuance of any enactment (other than an enactment in this Act) or of any order or direction of a Minister or a government department unless within twelve months after the date of his transfer or of his first being entitled to contribute to the superannuation fund (as the case may be) the Council shall agree with him that such provisions shall be applicable and any such agreement may be expressed to take effect as from the date of transfer or of such person first being entitled to contribute to the superannuation fund.

(2) Nothing contained in this section shall affect the rights of any such person to continue to be or to become a contributory employee under the Act of 1937.

Use of moneys in superannuation fund.

421. In its application to the Council subsection (3) of section 21 of the Act of 1937 shall have effect subject to the provisions of section 429 (Consolidated loans fund) of this Act and any scheme made thereunder as if the said subsection (3) had been enacted before the passing of the Act of 1930.

Agreements with certain voluntary organisations.

422. Where the Council in the exercise of powers vested in them make or have made arrangements with—

(a) the Central Association for Mental Welfare; or

(b) the Middlesex Association for the Blind;

for the performance by such association of any of the functions of the Council the Council may enter into and fulfil agreements with the association for admitting any of their employees who are employed whole time for the purposes of such functions to participate in the benefits of the superannuation fund on such terms and conditions as the Council think fit and in any case in which such an agreement is made the provisions of the Act of 1937 as amended by this Part of this Act shall apply to such employees as if they were in the service of the Council subject however to such modifications thereof as may be mentioned in the agreement:

Provided that an agreement under this section shall not have effect until the terms thereof have been approved by the Minister.

423.—(1) The Council and the conservators of the river Thames (in this section referred to as "the conservators") may enter into and fulfil agreements for permitting any officer or servant who may have been or may hereafter be transferred from the service of the Council to that of the conservators consequent upon any scheme made and confirmed under the Land Drainage Act 1930 to continue to participate in the benefits of the Act of 1937 (as amended by this Part of this Act) on such terms and conditions as may be agreed between the Council and the conservators and may fulfil the agreement which has already been entered into by them with the approval of the Minister.

PART XVII.
—cont.
Agreements
with con-
servators of
river Thames.

(2) The provisions of the Act of 1937 as amended by this Part of this Act shall subject to such modifications as may be mentioned in any such agreement apply to any such officer or servant as if he had continued in the service of the Council and the conservators shall be entitled to make the deductions authorised by those provisions from the remuneration of any such officer or servant.

(3) All sums payable by the conservators to the Council under any such agreement together with all costs charges and expenses of the conservators of or incidental to the completion and carrying into effect of the agreement shall be deemed to be part of the expenses of the conservators for the purposes of section 20 (Expenses of catchment board) of the Land Drainage Act 1930.

(4) An agreement hereafter made under this section shall not have effect until the terms thereof have been approved by the Minister.

424.—(1) The provisions of the Act of 1934 as set out in the Sixth Schedule to this Act which were saved from repeal by the Act of 1938 shall apply only to those existing employees to whom they were applicable immediately before the appointed day and section 110 (Annuities for widows) of the Act of 1934 shall apply only to—

Application
of temporary
provisions.

- (a) those existing employees who gave notice under subsection (1) of that section;
- (b) those existing employees who gave notice in writing to the Council before the first day of October nineteen hundred and thirty-nine that they desired the section to continue to apply to them; and
- (c) the person who held the offices of clerk of the Council and clerk of the peace on the appointed day upon his retirement pursuant to the agreement entered into by virtue of section 118 of the Act of 1934.

PART XVII.
—cont.

(2) Section 9 of the Act of 1937 shall not apply to the persons to whom section 110 of the Act of 1934 is applicable under this section.

(3) The provisions of article 15 paragraphs (2) and (3) of article 16 and articles 17 and 19 of Part III of the Order of 1938 which were saved from repeal by the Act of 1938 shall apply only to those persons to whom they were applicable immediately before the appointed day.

(4) Nothing contained in this Part of this Act shall affect the rights of any person—

(a) to whom the provisions of Part XI of the Act of 1934 or the Middlesex County Council (Transferred Poor Law Officers) Superannuation Scheme 1930 or Part III of the Order of 1938 applied; and

(b) who under those provisions was entitled to a superannuation allowance or to have returned to him contributions to a superannuation fund maintained by the Council before the appointed day (with or without interest);

except that any sums which would have been payable to any such person out of a superannuation fund maintained by the Council before the appointed day shall be paid out of the superannuation fund.

(5) Words and expressions to which meanings were assigned by Part XI of the Act of 1934 have in the enactments set out in the Sixth Schedule to this Act the same respective meanings.

Saving for
existing
officers.

425. Nothing contained in the Act of 1937 as modified by this Part of this Act or in this Part of this Act shall prejudice or affect the rights as existing immediately before the appointed day of any existing employee whether or not there shall be or since the appointed day has been a break in his employment unless such break is or was in consequence of voluntary resignation not being resignation for the purpose of undertaking war service as defined in the Local Government Staffs (War Service) Act 1939 and notwithstanding anything contained in this Part of this Act the Council shall be entitled to exercise in reference to any such employee any discretionary power which they could have exercised if the Act of 1938 and this Part of this Act had not been enacted.

PART XVIII.

FINANCE.

Existing
borrowing
powers
continued.

426.—(1) (a) All statutory borrowing powers under any enactment repealed by this Act which have been exercised before the commencement of this Act and all existing

securities of the Council granted issued or created thereunder shall be deemed to have been exercised granted issued or created under this Act and the provisions of this Act shall apply thereto notwithstanding anything in any Act Order deed mortgage or other document to the contrary. PART XVIII.
—cont.

(b) Nothing in section 38 of the Interpretation Act 1889 shall affect the said repeal or shall continue in force any of the provisions of the repealed Acts relating to such borrowing powers. 52 & 53 Vict. c. 63.

(2) All statutory borrowing powers under any enactment repealed by this Act which were in force immediately before but had not been exercised before the commencement of this Act shall (notwithstanding the repeal by this Act of such enactment) continue to be in force and to have effect as fully and effectually as if this Act had not been passed.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with section 429 (Consolidated loans fund) of this Act shall extend and apply to money borrowed or to be borrowed in the exercise of the statutory borrowing powers referred to in this section as if it were borrowed under Part IX of that Act but no consent of a sanctioning authority shall be necessary if under the repealed enactment such consent has been given or is not required.

(4) All sums borrowed by the Council before the commencement of this Act under any statutory borrowing power referred to in subsection (1) of this section and not repaid before the commencement of this Act and all sums which may hereafter be borrowed by them under any statutory borrowing power referred to in subsection (2) of this section shall notwithstanding the repeal of any Act by or under which such statutory borrowing power was created or authorised be repaid within the respective periods within which they are required to be repaid by or under such Act.

427. Notwithstanding the repeal by this Act of the Act of 1928 the provisions of that Act relating to the borrowing of money by the Surrey County Council and the repayment of money borrowed by them as amended or extended by any subsequent Act shall continue in operation as if this Act had not been passed. Borrowing powers of Surrey County Council.

428. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Act without such consent. Saving for emergency powers of Treasury. 3 & 4 Geo. 6. c. 20.

PART XVIII.
—cont.
Consolidated
loans fund.

429.—(1) Notwithstanding anything contained in any other Act or Order the Council may (if they think fit) maintain the fund established by them called “the consolidated loans fund” to which shall be paid—

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

(2) The consolidated loans fund shall form part of the county fund of the Council.

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

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

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(4) 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.

(5) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as “the lending fund”) and not

for the time being required and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

PART XVIII.
—cont.

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings.

(6) All moneys borrowed by the Council in the exercise of statutory borrowing powers whether before or after the commencement of this Act shall be charged indifferently on all revenues of the Council as defined in the Act of 1933 and subject to any priority existing at the commencement of this Act all securities created by the Council in the exercise of any statutory borrowing power shall rank equally without any priority.

(7) Save as in this section expressly provided all the obligations of the Council to the holders of stock or other securities of the Council shall continue in force.

(8) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(9) The powers conferred by this section shall be operated by the Council in accordance with the Consolidated Loans Fund (Middlesex) Scheme 1933 made by the Council and approved by the Minister under section 52 of the Act of 1930 as amended by any subsequent scheme:

Provided that such scheme may be amended or revoked by a scheme made and approved in like manner and any such amending scheme may make further provision for any matters incidental to the establishment and administration of the consolidated loans fund.

430.—(1) The provisions of the last preceding section except subsection (9) thereof shall apply to the local authorities and shall accordingly have effect as if—

Extension of consolidated loans fund to local authorities.

- (a) the local authorities were therein mentioned in addition to the Council;
- (b) in the case of a local authority the general rate fund were therein referred to instead of the county fund; and

PART XVIII.

—cont.

(c) the words " establish a fund " were substituted for the words " maintain the fund established by them " in subsection (1) of the last preceding section:

Provided that the powers conferred by that section shall not be put into operation by a local authority except in accordance with a scheme approved or to be approved by the Minister and any such scheme may be amended or revoked by a scheme approved by the Minister and may make provision for any matters incidental to the establishment and administration of a consolidated loans fund.

(2) There shall be carried to the credit of a consolidated loans fund established by a local authority the unapplied balances of the moneys borrowed or received by such authority and of the sums provided by them before the date on which the fund is established which would have been so carried if they had been borrowed received or provided after that date.

Power to
Council to
advance
money to local
authorities.

431.—(1) The Council may in pursuance of an agreement with any local authority lend to them any money which the local authority are for the time being authorised to borrow under any statutory borrowing power and any money so lent shall be repaid to the Council by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.

(2) Any agreement under this section may be made by resolutions passed respectively by the Council and by the local authority.

(3) The Council may borrow such sums as may be required for the purpose of lending money to local authorities under this section and the provisions of Part IX of the Act of 1933 shall extend to money borrowed by the Council under this section as if it were borrowed under the said Part IX. Provided that the consent of the sanctioning authority shall not be required.

(4) Every sum borrowed by the Council under this section shall be repaid within a period to expire not more than one year after that for which the same was lent by them to the local authority.

Fire
insurance
fund.

11 & 12 Geo. 5.
c. xl.

432.—(1) Subject to the provisions of subsection (10) of the next succeeding section the Council may if they think fit maintain the fund (called " the fire insurance fund ") established under the Act of 1921 with a view to providing a sum of money which in the event of a fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good any loss or damage by or in consequence of fire to any buildings works and property

belonging or on loan to or under the care custody or control of the Council or of any statutory committee appointed by the Council or on which the Council may be represented. PART XVIII.
—cont.

(2) In each year after the establishment of the fire insurance fund the Council shall pay into that fund such a sum as shall in their opinion be equal to the aggregate amount of the premiums payable in the event of the Council insuring such buildings works and property as aforesaid in some fire insurance office but when the fund shall amount to the sum of five hundred thousand pounds the Council may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Council shall recommence and continue the yearly payment until the fund be restored to the sum of five hundred thousand pounds:

Provided that nothing in this Act shall affect the power of the Council to insure any of such buildings works and property against loss or damage by fire in any insurance office and if the Council so insure any of such buildings works and property the yearly sums payable to the fire insurance fund shall during the continuance of any such insurance be reduced by the amount of the premiums payable in respect of such insurance.

(3) The Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Council which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(4) (a) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses by or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall (unless applied in any manner authorised by this Act) be invested in statutory securities and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund as receipts for general county purposes.

(b) In addition to the sum required to be paid into the fire insurance fund by subsection (2) of this section the Council shall in every year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the county fund an amount equal to the interest and other annual proceeds carried to the county fund in pursuance of the last preceding paragraph.

(c) If and so long as the fire insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments

PART XVIII.
—cont.

forming part of the fire insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the fire insurance fund in such shares or proportions as may be equitable.

(5) If at any time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Council by or in consequence of fire the Council 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.

General
insurance
fund.

433.—(1) The Council 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 losses damages costs and expenses to which the Council may be subjected in consequence of the whole or any part of all or any of the following risks:—

- (a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Council;
- (b) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Council and whether drawn or propelled by man or horse or mechanical or other means or power;
- (c) Risk of explosion in respect of boilers;
- (d) Risks under the common law Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Council or to third parties;
- (e) Risks of injuries to pupils and students through accident caused by the negligence of a teacher attendant or other person or defect in any premises provided or maintained by the Council;
- (f) Risks of mechanical or electrical breakdown at or in connection with any of the works of the Council;
- (g) Risks of loss due to infidelity of officers or servants of the Council;
- (h) Any other risks against which in the absence of such an insurance fund the Council would ordinarily insure.

43 & 44 Vict
c. 42.
15 & 16 Geo 5.
c. 84

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Council 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 Council fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) if the Council insure in some insurance office against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide 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 Council 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 Council shall re-commence 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 Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Council which if the 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 manner authorised by this Act) be invested in statutory securities and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund as receipts for general county purposes.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Council shall in every year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the

PART XVIII.
—cont.

county fund an amount equal to the interest and other annual proceeds carried to the county 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 Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Council may if they deem it expedient include in the risks provided for under paragraph (d) of subsection (1) of this section risks of accident to any teacher employed in any aided school in the county.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council 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 Council 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. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings departments or services of the Council and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

(9) In this section and in the last preceding section "the prescribed amount" means such sum as may from time to time be prescribed by the Council.

(10) If under this section the Council establish an insurance fund section 432 (Fire insurance fund) of this Act shall cease to have effect and any moneys then standing to the credit of any fund formed under that section shall be carried to and form part of the fund authorised by this section.

Local
insurance
funds.

434.—(1) With the consent of the Minister a local authority may exercise the powers of the last preceding section and when such consent is given to the exercise of the powers by a local authority that section shall have effect as if such local authority were therein mentioned and the general rate fund were therein referred to instead of the county fund;

Provided that the Minister when giving his consent to a local authority to establish an insurance fund or at any time thereafter may determine the sum which for the purposes of the said section in its application to such local authority shall be the prescribed amount. PART XVIII.
—cont.

(2) Two or more local authorities having power to exercise the powers of the last preceding section may exercise that power jointly.

435.—(1) The Council may establish a fund to be called Council's
capital
reserve fund. "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable to an amount not exceeding in any one transaction the sum of twenty-five thousand pounds or such greater sum as may be allowed by the Minister in any case and such fund shall be formed by appropriating in the accounts of the Council such sums out of the county fund as the Council from time to time deem expedient:

Provided that—

- (a) any sum so appropriated to the capital reserve fund from the county fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;
- (b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to five per centum of the rateable value of the county.

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

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to the county fund as receipts for general county purposes and an amount equivalent to such income shall be carried to the credit of the capital reserve fund out of the county fund.

436. Any expenses which are incurred in pursuance of this Act by a local authority (including the council of a county district outside the county) and in respect of which no other provision is made shall be defrayed out of the general rate fund of their district. Expenses of
local
authorities.

PART XIX.

MISCELLANEOUS.

Subscriptions
to local
government
associations
and other
expenses.

437.—(1) The Council or a local authority may pay—

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of local government authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendances of any members or officers of the Council or the local authority at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings; and

(b) the reasonable expenses of the Council or the local authority 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 county or district.

(2) A local authority may pay reasonable expenses in connection with the attendance of members of their fire brigade at meetings and competitions of fire brigades.

(3) The council of a borough may pay reasonable expenses in connection with the presentation of the freedom of the borough to persons whom such council may resolve to admit as honorary freemen.

Restriction of
street musicians.
27 & 28 Vict.
c. 55.

438. The provisions of section 1 of the Metropolitan Police Act 1864 (which relates to street musicians) shall have no application within the county.

Prohibition on
solicitation
of school
children to
sell or
exchange
articles &c.

439.—(1) While any child is entering or leaving any school in the county being a county school voluntary school or nursery school or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child—

(a) to sell to such person any article or thing; or

(b) to exchange with such person any article or thing for any other article or thing.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds and proceedings in respect of an offence created by this section may be taken by the local education authority.

440.—(1) The master or any other person having charge of any vessel on any canal or inland navigation in the county which is used for the carriage of refuse of any description or of manure shall cause such refuse or manure to be properly covered.

PART XIX.
—cont.

Covering
refuse in
barges.

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

(3) In this section the expression "inland navigation" does not include any part of the river Thames or any river stream watercourse cut channel or water within the flow and reflow of the tides of the river Thames or any part of the river Lee navigation.

441.—(1) The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the Council thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the county.

Sale of coke
and solid fuel.
52 & 53 Vict.
c. 21.

(2) If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

(3) Any inspector of weights and measures may with the consent of the Council prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this section.

(4) The provisions of this section shall apply also to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

442.—(1) Every person who negligently or wilfully breaks throws down or otherwise damages any street lamp or lamp-post traffic light traffic signal street danger signal air-raid shelter or the lamps thereof 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 other property of the Council or a local authority shall make full compensation to the Council or the local authority for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Council or the authority) be recovered summarily as a civil debt.

Compensation
for injuring
lamps &c.

PART XIX.
—cont.

(2) Where the public lamp or lamp-post in respect of which any sum is paid to or recovered by the Council or the local authority under the provisions of this section is for the time being maintained by or at the expense of any person other than the Council or the local authority any sum so paid or recovered for making good damage which such person is liable to make good at his own expense shall be paid by the local authority to such person.

Maintenance
of Alexandra
Palace.

443.—(1) The following bodies (namely):—

- (a) the Council;
- (b) the London County Council;
- (c) the council of any county district in the county;
- (d) the council of any metropolitan borough on the north side of the Thames;

may contribute such sums annually or otherwise as they think fit towards the cost of maintenance improvement and repair of Alexandra Park and Palace as defined in the Alexandra Park and Palace (Public Purposes) Act 1900.

63 & 64 Vict.
c. cclix.

(2) The council of any such county district or metropolitan borough may borrow money for the purposes of this section to which capital is properly applicable—

- (a) in the case of a council of any county district under and in accordance with the provisions of the Act of 1933;
- (b) in the case of a council of a metropolitan borough under and in accordance with the provisions of the London Government Act 1939.

2 & 3 Geo. 6.
c. 40.Appointment
of gas
examiners.

444.—(1) The Council if they think fit may with the consent of any local authority within the county by whom a gas examiner is not for the time being appointed appoint a gas examiner for the area of such authority and so long as a gas examiner is appointed by the Council for that area one shall not be appointed by the local authority.

(2) The Council and any local authority may (if they think fit) jointly appoint a gas examiner and enter into and fulfil agreements in relation thereto.

(3) The Council and the council of any other county may (if they think fit) jointly appoint a gas examiner for so much of their respective counties as comprises the areas the local authorities of which consent to the appointment and may enter into and fulfil agreements in relation thereto.

(4) The Council and the council of a county district in any county where the council of such county do not appoint a gas examiner for such district may agree that a gas examiner

appointed by the Council shall act as gas examiner for such district upon and subject to such terms and conditions as may be agreed and during the continuance of any such agreement a gas examiner shall not be appointed by the council of such district.

PART XIX.
—cont.

(5) A gas examiner appointed in pursuance of this section or acting under any agreement entered into in pursuance of this section shall have the same powers as if he were appointed by the local authority.

445.—(1) The Council or a local authority may—

Provision of
lectures &c.

- (a) provide suitable lecture rooms and cause lectures to be given on such subjects as they think fit and let such rooms and make reasonable charges for admission to such lectures; and
- (b) provide suitable rooms for art exhibitions and permit art exhibitions in such rooms and let such rooms and make reasonable charges for admission to such exhibitions.

(2) Provided that the sum to be expended by the Council or a local authority in any one year on the provision of lectures by virtue of this section shall not exceed the following amounts in addition to any moneys received under the provisions of this section (namely):—

- (a) in the case of the Council five hundred pounds; and
- (b) in the case of a local authority two hundred and fifty pounds.

446. The Council may preserve arrange index classify and publish such records of the county and of the Council or such extracts from them or reference to their contents as the Council may think to be of public interest.

Power to
preserve
records.

447.—(1) The Council may establish or contribute to the establishment of—

Provision of
county
laboratory
service.

- (a) a laboratory for the purposes of the diagnosis and prevention of infectious and contagious diseases and for the examination of specimens in connection with such diseases; and
- (b) a pathological laboratory for dealing with specimens from cases of a non-infectious character.

(2) For the purposes of such laboratory established by the Council the Council may provide buildings and a staff and enter into agreements with any persons for the making of bacteriological and other examinations.

PART XIX.

—cont.

Supply of anti-
dotes against
notifiable
disease.Recovery of
expenses of
maintenance
in institutions.20 & 21 Geo. 5.
c. 17.23 & 24 Geo. 5.
c. 53.

448. The Council or a local authority may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against any notifiable disease.

449.—(1) In any case in which the Council are empowered by the Act of 1936 the Poor Law Act 1930 the Road Traffic Act 1930 the Road and Rail Traffic Act 1933 or any other Act to recover from any person (including the council of any county or county borough or metropolitan borough or any county district whether within or without the county) any sum in respect of expenses incurred by the Council in providing for the maintenance or treatment or the maintenance and treatment of any person in an institution to which this section applies the Council for the purpose of ascertaining such sums may determine that any two or more institutions (being institutions to which this section applies and used for comparable purposes) shall be regarded as one institution and that such sums shall be ascertained by reference to the expenses incurred in respect of such two or more institutions.

(2) The institutions to which this section applies include institutions as defined in section 184 of the Act of 1936 and institutions and hospitals provided or maintained by the Council under or in pursuance of the Poor Law Act 1930.

Recovery of
expenses from
out-patients.

450.—(1) The Council may recover from any person who is receiving or has received treatment as an out-patient at an institution clinic dispensary or other premises provided by the Council or from any person legally liable to maintain him or from the patient's estate if he has died sums not being expenses recoverable from any other source and not exceeding—

- (a) a sum of three shillings in respect of every attendance of the patient for treatment; and
- (b) the expenses incurred by the Council in supplying surgical appliances or medicine or providing any special treatment.

(2) If the Council are satisfied that the persons from whom the sums are under this subsection recoverable cannot reasonably having regard to their financial circumstances be required to pay the whole of those sums they may recover such part (if any) thereof as those persons are in the opinion of the Council able to pay.

(3) Provided that the Council may by agreement with the governing body of any association or fund established for the purpose of providing benefits to members or other beneficiaries thereof accept from the association or fund in respect of the sums recoverable by the Council under this section from any member or beneficiary of the association or fund

payment of such sums as may be provided by the agreement in lieu of recovering to such extent as the agreement may provide the whole or any part of the said sums from or from the estate of the member or beneficiary or from any person legally liable to maintain him.

(4) Sums recoverable under this section may be recovered as a civil debt either summarily or otherwise in proceedings commenced within twelve months from the date upon which the patient received the treatment or if he attended for treatment on several dates the latest of those dates.

451. In the case of a patient who has become an inmate of a convalescent home in pursuance of an arrangement between the Council and the owner or manager of the home (not being the council of a county or borough or county district) the mode of determining the amount of the expenses recoverable by the Council prescribed by paragraph (b) of subsection (2) of section 184 of the Act of 1936 shall not apply and the amount of the expenses recoverable shall be the sum payable by the Council in respect of the patient whilst he is an inmate of the home but not exceeding the amount which would have been recoverable if the patient had been an inmate of a convalescent home of the Council such amount to be ascertained in cases to which section 449 (Recovery of expenses of maintenance in institutions) of this Act applies in accordance with the determination last made by the Council under that section:

Recovery of expenses of maintenance in convalescent home.

Provided that nothing herein shall be taken to limit the amount which the Council may charge under the said section 184 for the patient's removal to or from the home.

452. Section 190 of the Act of 1936 shall be extended so as to enable the Council or as respects any local authority to whom any powers and duties under that section have been or shall be delegated that local authority to make byelaws for—

Further byelaws as to nursing homes.

- (a) regulating the admission into a nursing home of a person suffering from a notifiable or infectious disease;
- (b) the taking of precautions in case of any notifiable or infectious disease; and
- (c) requiring notice to be given to the county medical officer of health or to the medical officer of health of the district (as the case may be)—
 - (i) of any notifiable or infectious disease occurring in a nursing home; and
 - (ii) of a rise in the temperature of a maternity patient in a nursing home to 100.4 degrees fahrenheit for twenty-four hours or its recurrence within that period.

PART XIX.

—cont.

Payments due
to deceased
employees.

453.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Council or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Council on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Council within such time (not being less than one month after his death) as the Council may in all the circumstances think reasonable then at the expiration of that time the Council may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

15 & 16 Geo. 5.
c. 23.16 & 17 Geo. 5.
c. 60.

Provided that—

- (a) the Council may (notwithstanding the receipt of a notice under paragraph (b) of this subsection) if they think fit pay the funeral expenses of the deceased employee or so much thereof as the Council consider reasonable;
- (b) if the Council receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under the proviso (a) thereof) to any person other than the personal representative of the deceased employee the Council shall require either—

- (a) a statutory declaration (or when payment is made to the Crown or to the Duchy of Lancaster or to the Duke of Cornwall for the time being as the case may be a statement) by the person or one of the persons to whom the Council may pay and propose to pay such sum or any part thereof to the effect

that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed one hundred pounds; or

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

(3) The powers of this section shall extend to and may be exercised by a local authority or by a joint committee of local authorities who are maintaining a combination scheme under the Local Government Superannuation Act 1937 and this section shall accordingly have effect as if the local authorities and any such joint committee were therein mentioned in addition to the Council.

454.—(1) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 as amended by any enactment or is an inmate of a mental hospital as a temporary patient or voluntary patient the Council may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relatives of the person so detained as aforesaid.

Payment of
pension &c.
of person of
unsound
mind.

(2) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is in the opinion of the Council through mental infirmity incapable of managing his affairs the Council may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of his wife or husband or relatives.

(3) This section applies to any sum payable by the Council to an employee or former employee or pensioner of the Council or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance or gratuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising for the first time in relation to any person their power under this section the Council shall give to the master in lunacy notice in writing of their intention in that behalf specifying the name

PART XIX.
—cont.

and address of that person and the amount and nature of the sums in respect of which the Council intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Council shall at the same time give notice in writing to that person in a form approved by the master in lunacy:

Provided that the Council may with the approval of the master in lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the master in lunacy gives to the Council notice in writing that he objects to the exercise by the Council of the said power in relation to any person the said power shall as from the date of the receipt by the Council of the notice cease to be exerciseable by the Council in relation to that person unless and until the master withdraws the notice.

(6) The Council shall be discharged from all liability in respect of—

(a) any payment or application of money effected by them in exercise of the said power; and

(b) any payment or application of money effected by them before the commencement of this Act which might have been effected by them in exercise of the said power if the provisions of this section had been in force at the date of the payment or application and had applied to sums of any amount.

(7) The powers of this section shall extend to and may be exercised by a local authority or by a joint committee of local authorities who are maintaining a combination scheme under the Local Government Superannuation Act 1937 and this section shall accordingly have effect as if the local authorities and any such joint committee were therein mentioned in addition to the Council.

Local
committees of
public
assistance
committee.

455.—(1) Subsections (2) (3) and (4) of section 4 (Public assistance committee) of the Poor Law Act 1930 and section 5 (Guardians committees and sub-committees in counties) of that Act shall have no application within the county and section 122 (Committees and sub-committees of London County Council) of that Act shall apply to the county as if—

(a) the Council were referred to in that section in addition to the London County Council; and

(b) in lieu of the words "consisting wholly or partly of members of that committee" in paragraph (a) of subsection (2) of that section there were inserted the words "consisting wholly or partly of members of the Council but so that a majority of the members

“ of such local committees and any sub-committee
“ thereof shall be members of the Council or a local
“ authority.”

PART XIX
—cont.

(2) A scheme made under subsection (2) of section 151 of the Act of 1934 may be amended by a scheme made in like manner.

456. Section 153 of the Housing Act 1936 (which relates to the reference of certain matters to the public health and housing committee of a county council) shall not apply to the Council. Public health and housing committees.

PART XX.

GENERAL.

457. Where in any legal proceedings taken by or on behalf of or against the Council or a local authority or any officer servant solicitor or agent of the Council or any committee of the Council or of the local authority or any committee of the local authority under any enactment for the time being in force in the county it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or local authority or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council or a local authority a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk of the Council or of the local authority shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments authority &c.

458. Any consent given by the Council or a local authority under the provisions of any local enactment shall be given in writing and unless otherwise prescribed shall be under the hand of the clerk or other duly authorised officer of the Council or such local authority (as the case may be). Consents of Council and local authorities.

459. Where under any enactment the Council or a local authority give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. Breach of conditions of consent.

PART XX.

—cont.

In executing works for owner Council or local authority liable for negligence only.

460. Whenever the Council or a local authority or any of their officers under any enactment or byelaw for the time being in force execute, re-execute or alter any work or do any act or thing in default of the owner occupier or other person required to execute, re-execute or alter such work or do such act or thing the Council or the local authority or their officer shall not as between themselves and such owner occupier or other person in the absence of any negligence on their 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 Council or the local authority in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Apportionment of expenses in case of joint owners.

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

Liability of directors &c. 19 & 20 Geo. 5. c. 23.

462.—(1) Where any company within the meaning of the Companies Act 1929 commits any offence for which a penalty is provided by the Parts of this Act hereinafter mentioned proceedings may be taken in respect of such offence against all or any of the directors and managers and the secretary or other officer of such company as well as or instead of against the company and every such director manager secretary and officer shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

- (a) that the act which constituted the offence took place without his knowledge consent or connivance; and
- (b) that he was not guilty of any negligence in regard to securing the proper execution of this Act.

(2) The Parts of this Act referred to in this section are—

- Part XII (Establishments for massage and special treatment);
- Part XIII (Public entertainments);
- Part XIV (Employment agencies).

463. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under the following provisions of this Act:—

PART XX.

—cont.

Restriction
on right to
prosecute.

Section 22I (Regulation of petroleum filling stations);

Section 31I (Ejection of steam and waste gas to annoyance of public);

Section 313 (Noise nuisance);

Section 314 (Byelaws as to pleasure fairs);

Part IX (Street trading);

Part X (Electricity);

Part XIII (Public entertainments);

Part XIV (Employment agencies);

Section 439 (Prohibition on solicitation of school children to sell or exchange articles &c.);

Section 440 (Covering refuse in barges);

Section 44I (Sale of coke and solid fuel).

464.—(1) The procedure upon any appeal to a court of summary jurisdiction authorised by this Act shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings. As to appeals.

(2) 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 in respect of which the appeal is made 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.

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

(4) 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.

(5) 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

PART XX.
—cont.

of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

- (a) no proceedings in respect of any failure to execute the work or take the action shall be taken;
- (b) the Council or the local authority shall not execute such work or take such action; and
- (c) 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.

(6) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Council or a local authority 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.

Application
of Special
Enactments
(Extension
of Time)
Act 1940.
3 & 4 Geo. 6
c. 16.

465. Notwithstanding anything in the Special Enactments (Extension of Time) Act 1940 that Act shall apply to any provisions contained in this Act regulating the discharge or exercise of a duty or power under which a time is limited or a date is fixed within or at which the duty is to be discharged or the power may be exercised or an exercise of the power is to take effect in all respects as if this Act had been passed before the passing of the first-mentioned Act.

Inquiries by
Ministers.

466. The Minister the Minister of War Transport and the Minister of Town and Country Planning 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 of the Act of 1933 shall apply accordingly.

Application
of penalties.
2 & 3 Vict.
c. 71.

467.—(1) Notwithstanding anything in the Metropolitan Police Courts Act 1839 or in any other Act to the contrary whenever in consequence of proceedings taken by the Council or any officer of the Council in respect of an offence under this Act or any byelaw made thereunder a pecuniary penalty is inflicted the amount of the penalty shall be payable and paid to the Council.

(2) When any pecuniary penalty is inflicted under this Act or any byelaw made thereunder on proceedings taken by a local authority the amount of the penalty shall (unless otherwise enacted) be payable and paid to the local authority.

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

PART XX.
—cont.

Confirming
authority
for byelaws.

(1) in the case of byelaws made under—

- (a) section 314 (Byelaws as to pleasure fairs);
- (b) Part IX (Street trading);
- (c) Part XII (Establishments for massage and special treatment);
- (d) Part XIV (Employment agencies);

the Secretary of State; and

(2) in all other cases the Minister.

469. Save as otherwise by this Act expressly provided all offences against this Act or any Act incorporated with or applied by this Act and all penalties and costs imposed or recoverable thereunder may be prosecuted and recovered in a summary manner.

Recovery of
penalties &c.

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

Damages and
charges to be
settled by
court.

471. Where under this Act any question dispute or difference is to be referred to an arbitrator or to arbitration (other than questions to which the Acquisition of Land (Assessment of Compensation) Act 1919 applies) the reference shall be subject to the provisions of the Arbitration Acts 1889 to 1934 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the President of the Institution of Civil Engineers on the application of any of the parties to the question dispute or difference after notice to the other or others of them.

Application of
Arbitration
Acts.

472. 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.

Compensation
how to be
determined.

473.—(1) 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 and as if the expression "local authority" included the Council and any local

Application
of provisions of
Public Health
Act 1936.

PART XX. authority and in the case of sections 283 284 285 and 286
—cont. the Surrey County Council (that is to say):—

- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- 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);
- 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 apply only to the provisions contained in Part V (Protection of streams) Part VII (Roads town planning and amenities) and Part VIII (Local provisions) of this Act.

(2) The following sections of the Act of 1936 shall extend and apply in relation to any local Act for the time being in force in the county or in any district as if such sections were re-enacted in that local Act and in terms made applicable thereto (that is to say):—

- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 285 (Service of notices &c.).

PART XX.
—cont.

474. There may be included in one and the same demand complaint information or summons or in any schedule thereto two or more sums due and payable to the Council or to any local authority Provided that the sums are due and payable under the same Act.

Demand complaint information or summons may contain several sums.

475. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act:

Saving for indictments &c.

Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

476. Before any council local authority or undertakers break up or otherwise interfere with any street situate in the metropolitan police district in connection with the execution of any works under the powers of this Act they shall (except in cases of emergency) give twenty-one days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street or road during the execution of such works.

Notice to Commissioner of Police.

477. Nothing contained in this Act shall extend or operate to authorise the Council to take use enter upon or in any manner interfere with any land soil water or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty his heirs or successors in right of his said duchy.

Saving rights of Duchy of Lancaster.

478.—(1) Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council or the Surrey County Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of War Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of War

Crown rights.

PART XX.
—cont.

Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

(2) Without prejudice to the generality of the provisions of this section and to any other provision of this Act for his protection nothing in this Act shall affect any rights and privileges of the Postmaster-General under the Telegraph Acts 1863 to 1943.

Provisions applicable to several areas.

479. The provisions contained in the Seventh Schedule to this Act shall apply to and in respect of the areas therein referred to respectively.

Agreement with Murex Welding Processes Limited.

480. Nothing contained in this Act shall affect the operation of the deed dated the seventh day of October nineteen hundred and thirty-five and made between the Murex Welding Processes Limited of the first part the urban district council of Enfield of the second part and the Council of the third part.

Repeal.

481.—(1) Subject to the provisions of this Act the provisions of the Acts mentioned in the second column of the Eighth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) Notwithstanding the repeal effected by this section—

(a) All property vested in the Council or a local authority or the Surrey County Council or in any two or more of such bodies at the commencement of this Act shall continue vested in them and all acts works matters and things before the commencement of this Act done or commenced under the powers of the recited Acts and which were at the commencement of this Act valid and available or in progress and all notices to treat and other notices served under the recited Acts and all agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies which at the commencement of this Act were existing and valid shall be and continue valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed;

(b) All actions arbitrations prosecutions and proceedings by with or against the Council or a local authority or the Surrey County Council by reason of any matter or thing accruing or done before the commencement of this Act under or in execution of or in relation to the provisions of the recited Acts may be continued commenced taken made or prosecuted by or against the Council or such local authority or the Surrey County Council as if this Act had not been passed;

- (c) All byelaws rules regulations orders and licences which at the commencement of this Act were existing and valid shall until altered or revoked or until their expiration continue in force within the area in which they were respectively in force immediately before the commencement of this Act and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;
- (d) All charges and other sums at the commencement of this Act due or accruing due to the Council or a local authority or the Surrey County Council may be recovered as if this Act had not been passed;
- (e) All books and documents which under the recited Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed;
- (f) Any agreement or document relating to the provisions of any of the recited Acts which are re-enacted in this Act with or without amendment shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Act;
- (g) All functions conferred by the Acts specified in the Eighth Schedule and transferred to the Minister of War Transport by virtue of section 3 of the Trunk Roads Act 1936 and the Ministers of the Crown (Minister of War Transport) Order 1941 shall remain in full force and effect.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889.

482. The costs charges and expenses of and incidental to preparing applying for and obtaining this Act as taxed by the taxing officer of one of the Houses of Parliament shall be paid by the Council out of the county fund as general county expenses. Costs of Act.

THE FIRST SCHEDULE.

PROVISIONS OF ACT OF 1772 SAVED FROM REPEAL.

The bridge to be free from taxes. IX. And be it further enacted that the said bridge shall not be rated or assessed for or towards the payment of the land tax or any other public or parochial rate or tax whatsoever.

Damage done by boats &c. to be made good by the owners. XI. And for better preventing damage to the said bridge and the works thereof by persons navigating boats barges lighters or other vessels on the said river Thames be it further enacted that the owner or owners of every boat barge lighter or other vessel shall be responsible to the said Commissioners for the costs of making good any damage which shall be done to the said bridge or any part thereof by his or their boat barge lighter or other vessel or by the boatmen bargemen or other person or persons navigating the same and may be sued accordingly by the said Commissioners in any court of record whatsoever.

Richmond ferry. XVI. And whereas His Majesty in right of His Crown is seised of the fee simple of the ferry for carriages horses and foot passengers over the river Thames between Richmond aforesaid and the opposite shore And whereas His late Majesty King George the Second by his letters patent dated the twentieth day of February in the twenty-ninth year of his reign did demise the said ferry with all its rights and privileges unto William Windham esquire for a certain term of twenty-one years commencing from the twentieth day of December one thousand seven hundred and sixty-five at the yearly rent of three pounds thirteen shillings and fourpence and His present Majesty by his letters patent dated the first day of September one thousand seven hundred and sixty-seven did demise the said ferry with its rights and privileges unto the said William Windham for a certain further term of eleven years and one half-year to commence and be computed from the thirty-first day of December one thousand seven hundred and eighty-six at the like yearly rent of three pounds thirteen shillings and fourpence and which said letters patent and the premises thereby granted have been assigned unto and are now vested in Henry Holland gentleman for all the remainder of the several terms by the said letters patent respectively demised as aforesaid And whereas the profits of the said ferry will cease in consequence of a bridge being built over the river Thames as aforesaid Be it therefore enacted that it shall not be lawful for the said Commissioners to build the said bridge or execute any of the powers aforesaid until after obtaining a grant of the inheritance of the said ferry from His Majesty His heirs or successors according to the power hereinafter given for that purpose and also unless they do or shall first and before they shall begin to build the said bridge and on or before the first day of June which will be in the year of our Lord one thousand seven hundred and seventy-eight purchase all the estate right interest and claim of the said Henry Holland his executors administrators or assigns of in and to the said ferry with all its rights privileges and appurtenances.

The bridge not to be built until the ferry be purchased by the Commissioners.

XVII. And be it further enacted that it shall be lawful for His Majesty His heirs or successors at any time hereafter by letters patent under the great seal to grant the fee simple and inheritance of the said ferry at Richmond together with the yearly rent now incident to the reversion thereof unto the said Commissioners and their successors at and under such yearly rent as is now payable to His Majesty or such other yearly rent as His Majesty His heirs or successors shall think fit to reserve any statute or law to the contrary thereof in anywise notwithstanding and the yearly rent so to be reserved in the said letters patent shall be payable into the receipt of the exchequer and be carried to and made part of the general or aggregate fund established by an Act of the first year of the reign of His late Majesty King George the First and be applied to the same uses.

1ST SCH.

—cont.

His Majesty enabled to grant the inheritance of the ferry.

XVIII. And be it further enacted that after obtaining a grant of the inheritance from His Majesty His heirs or successors of the said ferry and purchasing the estate and term of years of the said Henry Holland in manner aforesaid the said ferry shall be carried on under the direction of the said Commissioners or any five or more of them until the building of the said bridge shall be completed and there shall be a passage over the same and afterwards the said ferry shall be discontinued and the profits made thereof in the meantime shall be applied in the same manner as the tolls hereinafter mentioned are directed to be applied.

After obtaining a grant from His Majesty &c. the ferry to be under the direction of the Commissioners.

XX. And whereas the said bridge may receive such damage by tempests or otherwise that the passage may at times become dangerous or impracticable Be it therefore further enacted that in every such case the said Commissioners or any five or more of them may and shall at their discretion set up a ferry across the river Thames at any place or places being as near to the said bridge as the repairing thereof will permit and such ferry shall continue till the passage over the said bridge shall be rendered safe and the same sums of money shall be payable for a passage by the said ferry as are hereinbefore directed to be paid as tolls for passage over the said bridge and shall be levied and applied in the same manner.

If the bridge shall receive damage an occasional ferry may be set up.

XXI. Provided always nevertheless that no landing-place road or passage from the said ferry shall at any time be made through in or upon the said meadow called Twickenham Park or any part thereof without the consent of the proprietor or proprietors of the same.

Proviso.

XXX. And be it further enacted that no writing whatsoever under the hands and seals of the Commissioners of this Act or signed by them or under the hand and seal of or signed by any other person or persons relative to the execution of this Act shall be chargeable with any stamp duty.

Commissioners writings to be free from stamp duty.

Sections 41
& 137.

THE SECOND SCHEDULE.

PART I.

AREAS COMPRISING THE WEST MIDDLESEX SEWERAGE DISTRICT.

The boroughs of Brentford and Chiswick Ealing Hendon Heston and Isleworth Southall Twickenham and Wembley.

The urban districts of Feltham Harrow Hayes and Harlington Ruislip-Northwood Staines Sunbury-on-Thames Uxbridge and Yiewsley and West Drayton.

PART II.

AREAS COMPRISING THE EAST MIDDLESEX SEWERAGE DISTRICT.

County of Middlesex—

The boroughs of Edmonton Finchley Southgate Tottenham and Wood Green ;

The urban districts of Enfield and Friern Barnet ;

So much of the borough of Hornsey as is described in the First Schedule to the Middlesex County Council (Sewerage) Act 1938 and is coloured pink on the map signed in triplicate by Major James Milner the chairman of the committee of the House of Commons to whom the Bill for this Act was referred.

County of Essex—

The borough of Chingford and the urban district of Waltham Holy Cross.

County of Hertford—

The urban district of Barnet except the parish of Rowley (New) and the urban districts of Cheshunt and East Barnet ;

So much of the rural district of Hatfield as comprises the parish of Northaw.

THE THIRD SCHEDULE.

Section 53

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE
TAKEN COMPULSORILY.

Work. Numbers on deposited plans.

Work No. 1	7 205 206 231 in the borough of Edmonton.
Work No. 2	3 4 5 6 7 9 10 11 12 38 39 40 41 42 43 44 45 in the urban district of Barnet. 1 2 4 5 in the borough of Hendon 1 2 3 4 6 7 9 10 11 12 21 22 23 23A 24 25 26 27 28 29 30 31 32 36 37 40 41 42 43 44 45 46 48 52 53 54 55 69 70 71 72 73 74 75 76 81A 84 86 88 92 93 103 104 105 105A 106 107 108 109 110 118 119 120 121 122 123 124 126 in the borough of Finchley. 4 6 in the urban district of Friern Barnet. 3 4 6 7 10 11 in the borough of Southgate. 3 5 7 8 8A 10 109 110 111 130 131 142 143 144 145 161 162 163 164 165 166 167 168 200 204 205 206 233 234 235 236 in the borough of Edmonton.
Work No. 2A	1 2 3 5 in the urban district of East Barnet. 3 11 13 14 15 16 17 19 in the borough of Southgate.
Work No. 2B	4 in the borough of Tottenham. 4A in the borough of Edmonton.
Work No. 2C	1 2 3 4 6 7 8 9 10 11 in the urban district of Enfield. 7 209 210 213 214 219 220 221 in the borough of Edmonton.
Work No. 3	205 206 222 224 in the borough of Edmonton.
Work No. 3A	28 30 34 36 37 38 40 41 42 43 45 45A 49 50 51 53 54 55 56 58 61 63 63A 65 in the urban district of Enfield. 222 223 in the borough of Edmonton.
Work No. 4	6A 6B 7 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 43 45 46 47 52 53 55 in the borough of Tottenham. 205 206 207A in the borough of Edmonton.
Work No. 4A	2 3 4 5 6 9 10 12 in the urban district of Chingford. 7 229A 230 231 in the borough of Edmonton.
Work No. 5	28 30 34 36 37 38 40 41 42 43 45 45A 49 50 51 53 54 55 56 58 61 63 63A 65 in the urban district of Enfield. 205 206 222 224 in the borough of Edmonton.
Work No. 6	14 15 16 17 19 in the urban district of Enfield.

3RD SCH.
—cont.

Work.	Numbers on deposited plans.
Work No. 6A	14 15 16 17 19 in the urban district of Enfield.
Work Nos. 7 and 7A	2 3 4 5 6 in the urban district of Waltham Holy Cross. 13 13A 14 15 16 20 21 23 145 146 147 148 149 in the urban district of Enfield.
Work No. 8	1 2 3 4 5 6 7 8 in the urban district of Cheshunt. 34 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105A 107 109 110 111 112 113 113A 114 116 117 119 120 121 135 136 137 138 139 140 141 142 143 144 36 in the urban district of Enfield.

Section 289.

THE FOURTH SCHEDULE.

PROVISIONS AS TO LOCAL AUTHORITY BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the local authority may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the local authority may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the local authority.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the local authority on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

4TH SCH.
—cont.

(2) The register shall contain the following particulars:—

- (a) The name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;
- (b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The local authority shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the local authority on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the local authority on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....
Date.....

BONDS.

..... per centumBond
repayable at par on the..... 19.....
at.....

This is to certify that.....
of is the
registered holder of a.....Bond for
.....pounds (£.....) issued
by the.....
under the Middlesex County Council Act 1944 at.....

THE SEAL of the.....
.....
was hereunto affixed in the presence of }

Town clerk (or clerk).

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the local authority shall not prevent the holder of the bond from disposing of and transferring the bond.

4TH SCH.
—cont.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

I.....
in consideration of the sum of.....
paid by
(hereinafter called "the transferee") do hereby assign and
transfer to the transferee.....
To hold unto the transferee his executors administrators and
assigns subject to the several conditions on which I held the same
immediately before the execution hereof And I the transferee
do hereby agree to accept and take the said.....
.....subject to the conditions aforesaid.

As witness our hands and seals this.....day of
.....nineteen hundred and.....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the local authority.

(3) The deed of transfer shall be delivered to and retained by the local authority and the local authority shall enter a note thereof in a book to be called the "Register of transfers of bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The local authority shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the local authority as aforesaid the local authority shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The local authority before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the local authority may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the local authority shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the local authority the local authority shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The local authority shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the local authority for registration.

4TH SCH.
—cont.

10. The local authority before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

THE FIFTH SCHEDULE.

Section 418.

JUSTICES' CLERKS AND ASSISTANTS TO JUSTICES' CLERKS.

The modifications subject to which the Act of 1937 and Part XVII of this Act apply to certain officers in the service of the standing joint committee as a justices' clerk or as a person appointed to assist a justices' clerk in the performance of his duties are as follows:—

- (a) Subsection (3) of section 3 and subsections (5) and (6) of section 12 of the Act of 1937 shall not apply;
- (b) For the purposes of section 7 of the Act of 1937 the standing joint committee shall be deemed to be the employing authority and in the case of an officer being a justices' clerk the standing joint committee acting with the consent of each bench of justices to whom he acts as clerk shall be deemed to be the employing authority;
- (c) For the purposes of the following provisions that is to say proviso (i) to paragraph (b) of subsection (2) of section 8 subsection (4) of section 10 and section 11 of the Act for 1937 and sections 407 (Increase of allowance in special cases) and 408 (Gratuities) of this Act the standing joint committee shall be deemed to be the employing authority (or as the case may be the local authority or the Council) but a copy of every determination of the standing joint committee under any of the said sections shall be sent forthwith to the Council who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final;
- (d) Subject to the provisions of Part II of the Order of 1938 the remuneration of any such justices' clerk shall be taken to be the salary and other payments paid or made to him as such and retained by him for his own use after deducting the amount of any salaries or other sums paid by him to persons employed by him in connection with his duties as such clerk and after deducting the amount of any office expenses;
- (e) Any payments to be made in respect of any such officer not being payments which are payable out of the superannuation fund shall be paid out of the county fund;
- (f) In relation to any officer to whom this schedule applies or a person (not being such an officer) who is at any time a

5TH SCH.
—cont.

contributory employee after having been a contributory employee by virtue of being such an officer the expression "service" includes in addition to any service within the meaning assigned to that expression by Part III of the Act of 1937 as modified by Part XVII of this Act any service rendered after attaining the age of eighteen years and before attaining the age of sixty-five years either as a whole-time justices' clerk or as an employee of a clerk to justices being in the latter case service during which the employee devoted substantially the whole of his time to assisting his employer in the discharge of functions appertaining to any clerkship or clerkships to justices held by the employer.

Section 424.

THE SIXTH SCHEDULE.

PROVISIONS OF THE ACT OF 1934 (RELATING TO SUPERANNUATION)
WHICH WERE SAVED FROM REPEAL BY THE ACT OF 1938.Annuities for
widows.

110.—(1) If within one month before becoming entitled to a superannuation allowance except under paragraph (a) of subsection (1) of section 8 of the Act of 1937 an officer has given notice in writing to the Council requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance then unless the Council (being of opinion that the state of health of such person is not reasonably satisfactory having regard to his age) decide not to comply with his requirement the following provisions shall have effect:—

- (a) The amount of every payment in respect of the annual superannuation allowance payable to such person (in this section called "the retired officer") shall be reduced by eleven per centum and if his wife is younger than the retired officer shall be further reduced by an amount ascertained as follows:—
- (i) where the case falls within the table set out in subsection (6) of this section calculated in accordance with that table; and
 - (ii) in any other case such an amount as shall be certified by the actuary to be just;
- (b) If the wife of the retired officer in respect of whom the said notice was given survives him and does not cease before the date of his death to be his wife she shall be entitled after his death to receive for life out of the superannuation fund an annuity equal to one-third of the amount of his annual superannuation allowance calculated as if it had not been reduced as aforesaid;
- (c) Provided that if when the officer gives notice under this section he states therein that he desires his annual superannuation allowance to be reduced by only half the amount

indicated in paragraph (a) hereof the reduction shall be in accordance with such statement and in that case the annuity to which his wife may become entitled under paragraph (b) hereof shall be reduced by half ;

(d) If the wife of an officer who gives notice under this section survives him no sum shall be payable to his legal personal representative under section 10 of the Act of 1937 or section 410 (Return of contributions in case of death) of the Middlesex County Council Act 1944 until her death and the said sections shall have effect as if any payments to his wife by way of annuity under this section had been payments by way of superannuation allowance to such officer.

(2) An annuity under this section shall be payable out of the superannuation fund :

Provided that if the superannuation allowance of the officer was not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the proportion of the said superannuation allowance which was so payable and the balance shall be paid out of the county fund.

(3) Every annuity under this section shall be payable to or in trust for the widow entitled to receive the same and shall not be assignable or chargeable with her debts or other liabilities except such debts or liabilities as may be due to the Council.

(4) In cases where the superannuation allowance of a retired officer would if he had not given notice under subsection (1) of this section exceed the sum of one thousand pounds per annum the provisions of this section shall apply only to that sum and the balance of his superannuation allowance shall be paid to him as if he had not given such notice.

(5) This section shall not apply if the officer and his wife hold a joint appointment under the Council.

(6) The table hereinbefore referred to is as follows :—

Difference of age between husband and wife.				Further percentage reduction from husband's pension.
Less than one year	1 per cent.
1 year and less than 2 years	2 "
2 years	"	3	"	3 "
3 "	"	4	"	3 $\frac{3}{4}$ "
4 "	"	5	"	4 $\frac{1}{2}$ "
5 "	"	6	"	5 $\frac{1}{4}$ "
6 "	"	7	"	6 "
7 "	"	8	"	6 $\frac{3}{4}$ "
8 "	"	9	"	7 $\frac{1}{2}$ "
9 "	"	10	"	8 $\frac{1}{4}$ "
10 "	"	11	"	9 "

III. Nothing contained in this Part of this Act shall affect the Saving for rights of any person to whom immediately before the appointed day retired officers. the enactments repealed by this Part of this Act apply and who is

6TH SCH.
—cont.

entitled to a superannuation allowance or to whom contributions to the superannuation fund (with or without interest) are or may be returned and any sums payable to any such person by way of superannuation allowance or return of contributions (with or without interest) shall be paid out of the fund or funds out of which they would have been paid if this Act had not been passed.

As to officers
in service on
1st January
1922.

114. The provisions of this Part of this Act shall apply to officers who were in service on the first day of January nineteen hundred and twenty-two subject to the following modification:—

- (1) "Service" "office" or "employment" defined in this Act shall in the case of such officers include temporary service prior to such date under the Council or the standing joint committee or the clerk of the peace of the county and service prior to such date under any former chief official of the Council or under a former clerk of the peace of the county:
- (2) The definition of non-contributing service shall be read and have effect as if for the words "declared prior to his appointment or engagement and proved within three months from the date of such appointment or engagement" there were substituted the words "proved to the reasonable satisfaction of the Council within a period of six months from the first day of January nineteen hundred and twenty-two":
- (3) Any such officer who on the passing of the Act of 1921 proved to the satisfaction of the Council that he had made provision for his old age or invalidity shall be under no obligation to contribute to the superannuation fund but the Council shall on the retirement of such officer grant to him (subject to the provisions of this Act as to forfeiture of claim to any superannuation allowances which shall apply to any superannuation allowance provided for by this section) a superannuation allowance at the rate of one one-hundred-and-twentieth of the average amount of his salary for the last five years of his service in respect of each year of his service.

As to certain
officers in
service at 1st
August 1930.

115.—(1) Subject to the provisions of subsection (2) of section 116 (Non-contributing service of existing officers) of this Act the superannuation allowance to be made to any officer in service at the first day of August nineteen hundred and thirty who was then contributing to the superannuation fund at the rate of five per centum of his salary and who within twelve months thereafter gave notice to the Council in accordance with subsection (2) of section 47 of the Act of 1930 shall in lieu of the scale stated in section 103 (Scale of superannuation allowances) of this Act be on the following scale (that is to say):—

An annual allowance during life of one-sixtieth of the average amount of his salary during the five years ending on the quarter day on which or which immediately precedes the day on which he ceases to hold his office or employment for every year of aggregate service with a maximum of forty-sixtieths.

(3) This section shall not apply to any officer who has left or shall hereafter leave the service of the Council and who subsequently re-enters such service.

6TH SCH.
—cont.

116.—(1) Non-contributing service of any officer in service at the first day of October nineteen hundred and thirty-four shall be reckoned as part of his aggregate service for the purposes of this Part of this Act :

Non-con-
tributing
service of
existing
officers.

Provided that except as provided in section 104 (As to Teachers (Superannuation) Acts) of this Act no period of service shall be so reckoned which has been or may be reckoned for the purpose of any superannuation allowance or gratuity other than a superannuation allowance or gratuity under this Part of this Act or under enactments repealed by this Act ;

(2) Notwithstanding any other provision of this Part of this Act in calculating the superannuation allowance to be made under section 103 (Scale of superannuation allowances) or section 115 (As to certain officers in service at 1st August 1930) of this Act to any officer in service at the first day of October nineteen hundred and thirty-four who—

(a) entered the service of the Council after the thirty-first day of July nineteen hundred and twenty-seven ; or

(b) is referred to in section 135 (Application of Act to certain persons employed in education) of this Act ;

so much of his allowance as is in respect of his non-contributing service shall be reckoned at rates one-half of the rates stated in the said section 103 or in subsection (1) of the said section 115 (as the case may be) :

Provided that in any case in which the Council by resolution so determine the rates of superannuation allowance may be increased to rates not exceeding those stated in the said section 103 or in subsection (1) of the said section 115 (as the case may be).

(3) (a) If any of the officers referred to in subsection (2) of this section desires that so much of his allowance as is in respect of his non-contributing service shall be reckoned at the full rates and at any time before the expiration of three months from the first day of October nineteen hundred and thirty-four undertakes to pay into the superannuation fund such sum as the Council shall determine by reference to a scale prepared by the actuary the said subsection (2) shall not apply to him.

(b) The provisions of paragraph (c) of subsection (1) and of subsections (3) (4) and (5) of section 95 (Previous service of new entrants) of this Act shall with any necessary modifications apply to an officer who undertakes to pay into the superannuation fund in accordance with this subsection.

(c) This subsection shall not apply to any officer who has attained the age of sixty-five years on or before the first day of October nineteen hundred and thirty-four.

117. Nothing in this Part of this Act shall affect the right of any officer in service on the first day of October nineteen hundred and thirty-four to reckon as part of his aggregate service for the purposes of this Part of this Act the non-contributing service in respect of

Saving for
reckoning non-
contributing
service.

6TH SCH.
—cont.

which he shall have supplied proof to the satisfaction of the Council before that day.

As to certain
existing officers.

118.—(3) Save as provided by this section nothing in this Act shall be deemed to alter or affect the provisions of section 14 (Special provisions as to county of Middlesex) of the Local Government (Clerks) Act 1931 or of the Third Schedule to that Act in their application to the said clerk or to the person who immediately before the passing of that Act or who immediately before the commencement of the Act of 1921 held office as the deputy clerk of the peace of the county and those provisions shall continue to have effect as if this Act had not been passed.

Superannuation
of certain poor
law officers.

119.—(1) Any person—

(a) who was formerly in the whole-time employment of any board of guardians whose functions were transferred to the Council by the Local Government Act 1929 and who by virtue of that Act was transferred to the service of the Council; and

(b) who during the whole or part of the time of such employment by an authority to whom the Poor Law Officers' Superannuation Act 1896 applied (in this section called "the excluded period") was not required by that Act to make any contributions or submit to any deductions from her salary in consequence of having signified under the Poor Law Officers' Superannuation Act Amendment Act 1897 her intention not to avail herself of the provisions of the said Act of 1896; and

(c) who at the time of her giving the notice hereinafter referred to is in the whole-time service of the Council; and

(d) who at the appointed day is not a contributor to the superannuation fund;

may (if she thinks fit) at any time within three months after the first day of October nineteen hundred and thirty-four give notice in writing to the Council applying to be admitted as a contributor to the superannuation fund and may within the like period undertake to pay to the Council such sum in respect of her non-contributing service (including service during the excluded period) as the Council shall determine by reference to a scale to be prepared by the actuary:

Provided that where such person within three months after she is informed of the determination of the Council under this subsection informs the Council in writing that she elects to pay into the superannuation fund a sum less than the sum determined as aforesaid she shall be entitled to reckon as part of her aggregate service such proportion of her non-contributing service as the sum she so elects to pay bears to the sum so determined.

(2) Upon such notice being given such person shall subject to her passing the medical examination required by this Act be admitted as a contributor to the superannuation fund and her contributing service shall be reckoned as from the first day of October nineteen hundred and thirty-four and—

(a) if she gave an undertaking under subsection (1) of this section her non-contributing service or proportion thereof as the case may be shall be reckoned as contributing service;

(b) if she gave no such undertaking her non-contributing service including any service with the Council after the first day of April nineteen hundred and thirty shall be ignored. 6TH SCH. —cont.

(3) Any sum payable by any such person in pursuance of an undertaking given under this section shall be paid either in a lump sum forthwith or by such instalments as may be agreed between her and the Council:

Provided that the whole of such instalments shall be payable within a period of five years from her admission as a contributor to the superannuation fund.

(4) The provisions of paragraph (c) of subsection (1) and of subsections (4) (5) and (6) of section 95 (Previous service of new entrants) of this Act shall with any necessary modifications apply to any sum payable under this section and any instalment thereof as if the same were a sum payable by an officer under that section or an instalment thereof respectively.

(5) Any person to whom subsection (1) of this section applies and who does not give notice in pursuance of that subsection shall for the purposes of this Part of this Act be deemed not to be in the service of the Council at the first day of October nineteen hundred and thirty-four.

THE SEVENTH SCHEDULE.

Section 479.

PART I (BOROUGH OF BRENTFORD AND CHISWICK).

1. The following sections of this Act shall have effect as if the expression "highway authority" or "local authority" did not include the mayor aldermen and burgesses of the borough of Brentford and Chiswick:—

- Section 9 (Power to reinstate owners of property);
- Section 12 (Power to develop lands &c.);
- Section 190 (Power to vary width of carriageways and footways);
- Section 209 (As to evasion by owners of private street works expenses);
- Section 237 (Exchanges for road improvements &c.);
- Section 241 (Provision as to forecourts);
- Section 246 (Elevation of buildings erected on front lands to require approval);
- Section 437 (Subscriptions to local government associations and other expenses);
- Section 445 (Provision of lectures &c.);
- Section 448 (Supply of antidotes against notifiable disease);
- Section 453 (Payments due to deceased employees).

2. Sections 228 229 232 240 248 249 254 255 258 259 263 267 268 269 270 271 274 275 277 280 283 284 286 287 289 290 291 292 293 294 295 296 297 299 300 302 303 304 305 307 312 314 and 434 of this Act shall not have effect within the borough of Brentford and Chiswick.

3. Section 285 of this Act shall apply to any premises provided under section 75 (Power to provide and let public hall and other buildings) of the Brentford and Chiswick Corporation Act 1936.

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

7TH SCH.
—cont.

4. Sections 45 (Compensation for injuring lamps &c.) and 77 (Provision of concerts entertainments &c.) of the Brentford and Chiswick Corporation Act 1936 are hereby repealed.

PART II (BOROUGH OF EALING).

Sections 228 and 243 of this Act shall not have effect within the borough of Ealing.

PART III (BOROUGH OF EDMONTON).

1. Section 237 (Exchanges for road improvements &c.) section 246 (Elevation of buildings erected on front lands to require approval) and section 448 (Supply of antidotes against notifiable disease) of this Act shall have effect as if the expression "highway authority" or "local authority" did not include the mayor aldermen and burgesses of the borough of Edmonton.

61 & 62 Vict.
c. lxxiii.

2. Section 232 (Rounding of corners at street junctions) of this Act in its application to the mayor aldermen and burgesses of the borough of Edmonton shall have effect as if section 30 of the Edmonton Urban District Council Act 1898 were therein referred to instead of section 17 of the Public Health Act Amendment Act 1907.

3. Sections 228 229 239 240 242 244 247 259 261 263 268 269 270 275 277 280 283 292 293 300 304 and 311 of this Act shall not have effect within the borough of Edmonton.

4. Section 31 (Intersecting streets) of the Edmonton Urban District Council Act 1898 is hereby repealed.

PART IV (BOROUGH OF FINCHLEY).

8 Edw. 7.
c. lxxvi.

1. Sections 10 (No building allowed until street defined) 16 (Forecourts to be fenced off from streets) 34 (Compensation to persons ceasing employment) 35 (Council may supply antidotes against infectious disease) and 36 (Penalty on withholding information from medical officer) of the Finchley Urban District Council Act 1908 are hereby repealed.

2. Sections 235 263 and 275 of this Act shall not have effect within the borough of Finchley.

PART V (BOROUGH OF HENDON).

1. The following sections of this Act shall have effect as if the expression "highway authority" or "local authority" did not include the mayor aldermen and burgesses of the borough of Hendon:—

Section 190 (Power to vary width of carriageways and footways);

Section 237 (Exchanges for road improvements &c.);

Section 246 (Elevation of buildings erected on front lands to require approval);

Section 437 (Subscriptions to local government associations and other expenses);

Section 448 (Supply of antidotes against notifiable disease).

2. Sections 228 234 239 240 242 247 255 257 258 261 263 274 275 277 280 283 284 285 289 291 292 293 294 300 304 310 and 434 of this Act shall not have effect within the borough of Hendon.

PART VI (RUISLIP-NORTHWOOD TOWN PLANNING AREA).

7TH SCH.
—cont.

1. The provisions of the following sections of this Act:—

- Section 199 (As to erection of hoardings &c. at street corners) ;
 Section 243 (Restrictions on advertisement hoardings) ;
 Section 247 (As to erection of retaining walls) ; and
 Section 257 (Elevations of new buildings) ;

shall not apply or have effect within or in relation to the areas within the county to which the Ruislip-Northwood Town Planning Scheme 1914 or the Ruislip-Northwood Town Planning Scheme (No. 2) applies.

2. The provisions of section 254 (Planting of trees in private streets) of this Act shall not apply or have effect within or in relation to the area within the county to which the Ruislip-Northwood Town Planning Scheme 1914 applies.

PART VII (BOROUGH OF TOTTENHAM).

Section 238 of this Act shall not have effect within the borough of Tottenham.

PART VIII (BOROUGH OF WEMBLEY).

1. Section 242 (Signs over streets) of this Act shall not apply to a sign being an advertisement to which clause 51 of the Wembley Planning Scheme Number 1 or clause 51 of the Wembley (Kingsbury) Planning Scheme applies.

2. Section 246 (Elevation of buildings erected on front lands to require approval) of this Act shall not apply to any building to which clause 45 or clause 58 of the Wembley Planning Scheme Number 1 or clause 45 or clause 58 of the Wembley (Kingsbury) Planning Scheme applies.

3. Section 257 (Elevations of new buildings) of this Act shall not apply to any building to which clause 45 or clause 58 of the Wembley Planning Scheme Number 1 or clause 45 or clause 58 of the Wembley (Kingsbury) Planning Scheme applies.

PART IX (BOROUGH OF WOOD GREEN).

1. The following sections of this Act shall have effect as if the expression "highway authority" or "local authority" did not include the mayor aldermen and burgesses of the borough of Wood Green:—

Section 246 (Elevation of buildings erected on front lands to require approval) ;

Section 460 (In executing works for owner Council or local authority liable for negligence only) ;

Section 461 (Apportionment of expenses in case of joint owners).

2. Sections 240 247 258 263 267 269 270 271 275 283 286 294 300 301 and 311 of this Act shall not have effect within the borough of Wood Green.

Note In this schedule a reference to sections which are applied to the local authorities by section 316 of this Act shall be deemed to be a reference to those sections as so applied.

THE EIGHTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter	Short Title	Extent of Repeal
57 & 58 Vict. c. 15	Music and Dancing Licences (Middlesex) Act 1894	The whole Act.
61 & 62 Vict. c. clv	Kew Bridge Act 1898	The whole Act.
61 & 62 Vict. c. ccl	Middlesex County Council Act 1898	The whole Act.
2 Edw. 7. c. xlvii	Middlesex County Council Tramways Act 1902	The whole Act.
6 Edw. 7. c. clxxiv	County Council of Middlesex (General Powers) Act 1906	The whole Act.
1 & 2 Geo. 5. c. lxxxix	Kingston-upon-Thames Bridge Act 1911	The whole Act.
4 & 5 Geo. 5. c. xcvi	Middlesex County Council (Great West Road and Finance) Act 1914	The whole Act except sections 29 30 32 and 33.
11 & 12 Geo. 5. c. xl	Middlesex County Council (General Powers) Act 1921	The whole Act.
15 & 16 Geo. 5. c. xciv	Middlesex County Council Act 1925	The whole Act except so much of section 18 as incorporates the provisions of sections 77 78 79 and 82 of the County of Middlesex Light Railways Order 1903.
18 & 19 Geo. 5. c. lxxii	Middlesex and Surrey (Thames Bridges &c.) Act 1928	The whole Act.
20 & 21 Geo. 5. c. clxvi	Middlesex County Council Act 1930	The whole Act.
21 & 22 Geo. 5. c. xxxii	Middlesex County Council Act 1931	The whole Act.
24 & 25 Geo. 5. c. lxxxix	Middlesex County Council Act 1934	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. cviii	London and Middlesex (Improvements &c.) Act 1936	Sections 54 to 57.
1 & 2 Geo. 6. c. xc	Middlesex County Council (Sewerage) Act 1938	The whole Act.
1 & 2 Geo. 6. c. xcix	Middlesex County Council (General Powers) Act 1938	The whole Act.

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